INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

DISPUTE REGARDING NAVIGATIONAL AND RELATED RIGHTS

(COSTA RICA *v.* NICARAGUA)

VOLUME II
Memorial of Costa Rica

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

DIFFÉREND RELATIF À DES DROITS DE NAVIGATION ET DES DROITS CONNEXES

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This case, entered on the Court's General List on 29 September 2005 under number 133, was the subject of a Judgment delivered on 13 July 2009 (*Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua), Judgment, I.C.J. Reports 2009*, p. 213).

The documents relating to the case are being published in the following order:

Volume I. Application; Memorial of Costa Rica.
Volume II. Memorial of Costa Rica *(continuation)*.
Volume III. Counter-Memorial of Nicaragua; Reply of Costa Rica.
Volume IV. Reply of Costa Rica *(continuation)*; Rejoinder of Nicaragua.
Volume V. Rejoinder of Nicaragua *(continuation)*; Verbatim Records of the Hearings.

*

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The Hague, 2011.

La présente affaire, inscrite au rôle général de la Cour sous le numéro 133 le 29 septembre 2005, a fait l'objet d'un arrêt rendu le 13 juillet 2009 (*Différend relatif à des droits de navigation et des droits connexes (Costa Rica c. Nicaragua), arrêt, C.I.J. Recueil 2009*, p. 213).

Les documents relatifs à cette affaire sont publiés dans l'ordre suivant :

Volume I. Requête ; mémoire du Costa Rica.
Volume II. Mémoire du Costa Rica *(suite)*.
Volume III. Contre-mémoire du Nicaragua ; réplique du Costa Rica.
Volume IV. Réplique du Costa Rica *(suite)* ; duplique du Nicaragua.
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La Haye, 2011.

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DISPUTE CONCERNING NAVIGATIONAL AND RELATED RIGHTS

(COSTA RICA *v.* NICARAGUA)

MEMORIAL OF COSTA RICA

VOLUME 4

(Annexes 83 to 109)

29 August 2006

Annex 83

AFFIDAVIT OF SERGIO GERARDO UGALDE GODÍNEZ
DEED NO. 22, 5 MAY 2001

TRANSLATION

NUMBER TWENTY-TWO: I, Sergio Gerardo Ugalde Godínez, Notary Public of San José, at the request of the Ministry of Foreign Affairs and Worship, represented by Mrs. Elayne Gabriela Whyte Gómez, Vice Minister of Foreign Affairs and Worship, of legal age, married, professional in international affairs, resident of Rohrmoser, San José, national identification card number one – six hundred and forty – nine hundred and fifty nine; at the nine hours and thirty minutes of the fifth of May of this year, I presented myself at the wharf on the Sarapiquí River in Puerto Viejo de Sarapiquí, Province of Heredia. I was accompanied on this act by Mr. Carlos Alvarado Valverde, who acted in the capacity of documentary witness, of legal age, married once, attorney, resident of Guadalupe, San José, national identification card number two- three six four – eight four eight. Once we arrived at the place, Mr. William Rojas Ugalde, of legal age, married, resident of Puerto Viejo de Sarapiquí, national identification card number two – two hundred and ninety – four hundred and ninety, and President of the Chamber of Tourism of Sarapiquí, proceeded to explain that for some time now the Nicaraguan authorities have established a charge of twenty-five American dollars for vessels flying the Costa Rican flag as a requirement to be allowed to navigate the San Juan River. He continues stating that this has had serious effects on the local tourist activity and that it is necessary that the Government of the Republic take the corresponding legal actions to ensure the exercise of the free navigation rights to which Costa Rica is entitled. Similar statements are made by Mr. Norman Scott Chinchilla, of legal age, married, resident of Puerto Viejo de Sarapiquí, national identification card number seven – zero fifty-one – three hundred and ninety-one, who is the President of the Water Transporters Association of

Sarapiquí. Mr. Scott states that the fee charged to civil vessels flying the Costa Rican flag goes totally against the provisions established in the International Instruments signed by Costa Rica and Nicaragua, as does the five-dollar charge that is made every time a Costa Rican navigates the San Juan River. He states that he himself, who owns property bordering on Nicaragua, is forced to pay the corresponding tourist charge, in spite of not being a tourist himself, which deprives him from freely exercising the commercial and agricultural activities on his property. He adds that they have borne for a considerable time this conflict over the civilian navigation of vessels flying the national flag on the San Juan River, and that, on one occasion, the Nicaraguan Army opened fire against a Costa Rican vessel on which he was traveling. He also states that the Nicaraguan authorities have set restrictions on the navigation schedule on the San Juan River. At the ten hours of the day, Mr. Alvarado and the undersigned prepared to depart toward the San Juan River on a vessel flying the Costa Rican flag. The name of the vessel was "Fury", and was commanded by Mr. Jorge Lao Jarquín, of legal age, single, resident of Puerto Viejo de Sarapiquí, national identification card number four – one hundred and two – seven hundred and fourteen. During the journey to the San Juan River, Mr. Lao states that he has also been a victim of the fees charged by Nicaraguan authorities. He adds that, on one occasion, the authorities of the Nicaraguan Army ordered him to take down the Costa Rican flag from his vessel and informed him that it had to be substituted by the Nicaraguan flag every time the vessel was to pass through the San Juan River. When we arrived at the mouth of the Sarapiquí River at the San Juan River, around the eleven hours of the day. Mr. Lao went directly to the Post of the Nicaraguan Army and told Mr. Alvarado and the undersigned that, according to Nicaraguan authorities, it was necessary to report the vessel at that post in order that the navigation on the San Juan River be authorized.

Once we were on the left margin of the river, we got off the vessel and climbed some wood logs up to the post of the Nicaraguan authorities. Once at the post, we identified ourselves to a gentleman who claimed to be an immigration officer. Having been asked about our destination and the purpose of the trip, we said that we were going to Barra del Colorado for commercial purposes because we were looking for some property to buy. He gave us some immigration forms and asked us to pay the amount of five American dollars, which was a fee established by the Nicaraguan authorities. He also gave us a receipt numbered with the D Series, number two eight four three six three, for the corresponding payment made by Mr. Alvarado and the undersigned, indicating on the receipt that the payment covered "two Tourist Cards". After we concluded the payment to the immigration officer, a young man who identified himself as Sergeant Manuel Trejos of the Nicaraguan Army asked Mr. Lao details about the vessel and about our destination. This information was written on a document called "Departure Clearance Certificate", which is issued by the Nicaraguan Army and which was handed to Mr. Lao. The consecutive number of that document was zero three zero five. Once the document was filled out, Mr. Lao paid a fee of twenty-five American dollars. Upon payment, the Nicaraguan Army issued an official cash receipt numbered zero three hundred and five. After the payment was concluded, we asked Sergeant Trejos whether we were allowed to navigate at night, but he replied that navigation on the San Juan River was prohibited after five o'clock in the afternoon as instructed by superior authorities. After Sergeant Trejos' explanations, we headed to the area of Barra del Colorado. We arrived at the post of the Nicaraguan Army, called El Delta Post, at the twelve hours and thirty minutes. There Mr. Lao got off the vessel and climbed some wood logs up to the Post booth, where an officer of the Nicaraguan Army asked him to show the "Departure Clearance Certificate", to which Mr. Lao complied. After the certificate was checked, he was authorized to enter the mouth of the Colorado River in Costa Rican territory. Once on the Colorado River, we stopped at the Costa Rican Border Police post, known as Delta Costa Rica Post, with the purpose of looking at the property of the area and requesting information about the sale of property in Costa Rican territory. At thirteen hours and thirty minutes, we left the mouth of the Colorado River to begin our return toward Puerto Viejo de Sarapiquí. There we were also required to stop at the so-called El Delta Post of the Nicaraguan Army, and we had to request authorization of the Army officers to be able to continue our course on the San Juan River. After asking Mr. Lao information about the vessel and our final destination, and after we replied that it was Puerto Viejo de Sarapiquí, the officer wrote the information on the so-called "Departure Clearance Certificate", and instructed Mr. Lao to pay again the amount of twenty-five American dollars in order to authorize the navigation. Mr. Lao paid the above amount and the aforementioned "Departure Clearance Certificate" was handed to him. This document was numbered zero four zero four and it indicated the payment of the twenty-five American dollars. Mr. Lao was not given any official cash receipt by the Nicaraguan Army as the officer said that they had no receipts. At that moment, we asked the young officer, who identified himself as Sergeant García, whether we could navigate the River at night to continue our return, but he replied that navigation on the San Juan River was prohibited after five thirty in the afternoon as instructed by superior authorities. I then observed a handwritten notice that said that navigation on the San Juan River was only allowed from six in the morning until five thirty in the afternoon. We departed the location toward Puerto Viejo de Sarapiquí. When we arrived at the mouth of the Sarapiquí River at the San Juan River around the fourteen hours, Mr. Lao went again to the post of the Nicaraguan Army located there with the purpose that Mr. Alvarado and the undersigned could return the immigration forms that had been given to us some hours ago. Mr. Lao showed once more the "Departure Clearance Certificate" so that we would be authorized to return to Costa Rican territory. After the document was inspected by an officer of the Nicaraguan Army, our return was authorized and we went upstream into the Sarapiquí River with destination to Puerto Viejo de Sarapiquí. We arrived in Puerto Viejo de Sarapiquí at the fifteen hours. I keep photocopies of the receipts given by the Nicaraguan Army officers for the Reference Protocol of the undersigned. That is all. I issue a first testimony hereof. Having read the foregoing text to witness Alvarado, he found it in good order, he expressed his approval, and we both sign at Puerto Viejo de Sarapiquí at the fifteen hours and thirty minutes of the fifth day of May of the year two thousand one. – Illegible

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———SERGIO GERARDO UGALDE GODÍNEZ ————————

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THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER TWENTY-TWO WHICH APPEARS ON PAGE TWENTY-SEVEN REVERSE OF VOLUME THREE OF THE PROTOCOL OF THE UNDERSIGNED NOTARY. CONFRONTED WITH THE ORIGINAL, IT IS APPROVED AND I HEREBY ISSUE THIS DOCUMENT AS A FIRST TESTIMONY THEREOF UPON THE SAME ACT OF ISSUING THE ORIGINAL.-(illegible signature)

NUMERO VEINTIDOS: Yo, Sergio Gerardo Ugalde Godínez, Notario Público con oficina abierta en San José, a solicitud del Ministerio de Relaciones Exteriores y Culto, en la persona de la señora Viceministra de Relaciones Exteriores y Culto, señora Elayne Gabriela Whyte Gómez, mayor, casada, relacionista internacional, vecina de Rohmoser, San José, con cédula de identidad número uno - seiscientos cuarenta - novecientos cincuenta y nueve; al ser las nueve horas con treinta minutos del día cinco de mayo del presente año, me presenté en el muelle sobre el Río Sarapiquí, en Puerto Viejo de Sarapiquí, Provincia de Heredia. Me acompaña como testigo instrumental en ésta acto, el señor Carlos Alvarado Valverde, mayor, casado una vez, abogado, vecino de Guadalupe, San José, y con cédula de identidad número dos - tres seis cuatro - ocho cuatro ocho. Una vez en el lugar, el señor William Rojas Ugalde, mayor, casado, vecino de Puerto Viejo de Sarapiquí, con cédula de identidad número dos - doscientos noventa - cuatrocientos noventa, y Presidente de la Cámara de Turismo de Sarapiquí, procedió a explicar que desde hace tiempo las autoridades nicaragüenses han establecido un cobro de veinticinco dólares estadounidenses a embarcaciones de bandera costarricense, como requisito para ser permitida la navegación sobre el Río San Juan. Sigue manifestando que ello ha repercutido gravemente en la actividad turística local y que es requerido que el Gobierno de la República tome las acciones legales correspondientes para hacer valer los derechos de libre navegación que le asisten a Costa Rica. Similares manifestaciones hace el señor Norman Scott Chinchilla, mayor, casado, vecino de Puerto de Viejo de Sarapiquí, con cédula de identidad número siete - cero cincuenta y uno - trescientos noventa y uno, quien es Presidente de la Asociación de Transportistas Acuáticos de Sarapiquí. El señor Scott indica que el cobro a las embarcaciones civiles de bandera costarricense es totalmente contrario a lo establecido en los Instrumentos Internacionales firmados por Costa Rica y Nicaragua, al igual que el cobro de cinco dólares estadounidenses cada vez que un costarricense navega por el Río San Juan. Manifiesta que él mismo, que tiene propiedades limítrofes con la República de Nicaragua, es obligado a cancelar la tasa correspondiente por turismo, a pesar de no ser turista, lo que le limita ejercer libremente las labores de comercio y agricultura en sus propiedades. Dice además que este conflicto por la navegación civil de embarcaciones de bandera nacional en el Río San Juan lo sufren desde hace algún tiempo, y que incluso, en una oportunidad el Ejército Nicaragüense abrió fuego contra una embarcación costarricense en la cual él viajaba. Manifiesta además que las autoridades nicaragüenses han establecido limitaciones sobre el horario de la navegación en el Río San Juan. Al ser las diez horas del día nos aprestamos el señor Alvarado y el suscrito a zarpar en una embarcación de bandera costarricense hacia El Río San Juan. El nombre de la embarcación es "Furia", y es capitaneada por el señor Jorge Lao Jarquín, mayor, soltero, vecino de Puerto Viejo de Sarapiquí, con cédula de identidad número cuatro - ciento dos - setecientos catorce. Durante el recorrido hacia el Río San Juan, el señor Lao manifiesta que él también ha sido víctima de los cobros realizados por las autoridades nicaragüenses. Manifiesta además que en una ocasión las autoridades del Ejército Nicaragüense le ordenaron quitar la bandera de Costa Rica de su embarcación, y le informaron que tenía que sustituirla por una bandera nicaragüense cada vez que pasara por el Río San Juan. Al llegar a la desembocadura del Río Sarapiquí en el Río San Juan, alrededor de las once horas del día, el señor Lao se dirigió directamente al Puesto del Ejército Nicaragüense, manifestando al señor Alvarado y al suscrito, que de acuerdo a las autoridades nicaragüenses, era necesario reportarse en ese puesto para que se autorice la navegación en el Río San Juan. Una vez en la margen izquierda del río, bajamos de la embarcación para subir por unos troncos de madera hacia el puesto de las autoridades nicaragüenses. Una vez en el puesto, procedimos a identificarnos con un caballero que dijo ser funcionario de migración. Al ser preguntados por el destino y propósito del viaje, manifestamos que nos dirijíamos al sector de Barra del Colorado, en actividades comerciales, ya que estábamos en busca de una finca para la compra. Nos entregó unas boletas de migración y nos requirió la suma de cinco dólares estadounidenses como tasa establecida por las autoridades nicaragüenses. Además nos entregó un recibo numerado Serie D Número dos ocho cuatro tres seis tres, por el pago de la tasa correspondiente por el señor Alvarado y el suscrito, indicando en el recibo que el pago era por concepto de "dos - Tarjetas de Turismo". Finalizado el pago al agente migratorio, un jóven que se identificó como sargento Manuel Trejos del Ejército de Nicaragua procedió a solicitar los detalles de la embarcación y destino de los suscritos al señor Lao. Esta información fue escrita un documento denominado "Certificado de Despacho de Salida", que otorga el Ejército de Nicaragua, y que fue entregado al señor Lao, y cuyo número de consecutivo es cero tres cero cinco. Una vez lleno el documento, el señor Lao procedió al pago de una tasa de veinticinco dólares estadounidenses.

Sobre éste cobro se extendió el recibo oficial de caja del Ejército de Nicaragua número cero trescientos cinco. Finalizado el pago, le preguntamos al sargento Trejos si nos era permitida la navegación en horas de la noche, a lo que informó que la navegación por el Río San Juan no estaba permitida luego de las cinco de la tarde por disposiciones superiores. Luego de las explicaciones del sargento Trejos, nos dirigimos hacia el sector de Barra del Colorado. Al ser las doce horas con treinta minutos arribamos al puesto de el Ejército de Nicaragua, denominado puesto El Delta. Allí al señor Lao bajó de la embarcación y subió por unos troncos hasta la casetilla del Puesto, donde le fue solicitado por un oficial del Ejército de Nicaragua que mostrara el "Certificado de Despacho de Salida", a lo que el señor Lao accedió. Luego de la revisión del mismo, fue autorizado a entrar a la boca del Río Colorado, en territorio costarricense. Ya en el Río Colorado, nos detuvimos en el puesto de la Policía de Fronteras de Costa Rica, conocido como Puesto Delta Costa Rica, para hacer un reconocimiento de los terrenos en el área, y solicitar información acerca de la venta de propiedades en territorio costarricense. Al ser las trece horas con treinta minutos, salimos de la boca del Río Colorado, para iniciar nuestro retorno hacia Puerto Viejo de Sarapiquí. Ahí también fue requerido hacer una parada, en el denominado Puesto El Delta del Ejército de Nicaragua, y solicitar la autorización de los oficiales del Ejército para continuar nuestro recorrido por el Río San Juan. Luego de solicitar al señor Lao la información de la embarcación y nuestro destino final, el cual se indicó que era Puerto Viejo de Sarapiquí, el oficial escribió la información en el documento denominado "Certificado de Despacho de Salida", y le indicó al señor Lao que debía pagar nuevamente la suma de veinticinco dólares estadounidenses para ser permitida la navegación. El señor Lao canceló la suma citada, y se le entregó el mencionado "Certificado de Despacho de Salida", con número cero cuatro cero cuatro, señalando además el pago de los veinticinco dólares estadounidenses. No se entregó al señor Lao ningún recibo oficial de caja del Ejército de Nicaragua, pues el oficial indicó no contar con dichos recibos. En ese momento al jóven oficial, que se identificó como sargento García, se le preguntó si podíamos regresar de nuevo en horas de la noche por el Río, a lo cual manifestó que la navegación por el Río San Juan no estaba permitida después de las cinco y treinta de la tarde, en razón de tener órdenes superiores en ese sentido. Noté entonces un letrero escrito a mano, que indicaba que la navegación por el Río San Juan sólo se permitía de las seis de la mañana hasta las cinco y

treinta de la tarde. Partimos del sitio con rumbo a Puerto Viejo de Sarapiquí. Al llegar a la desembocadura del Río Sarapiquí en el Río San Juan, a eso de las catorce horas, el señor Lao se dirigió de nuevo al puesto del Ejército de Nicaragua en ese sitio, con la finalidad que el señor Alvarado y el suscrito devolviéramos las boletas de migración que se nos había entregado horas antes. Nuevamente el señor Lao presentó el documento "Certificado de Despacho de Salida", para que se nos autorizara el ingreso a territorio costarricense. Luego de su inspección por un oficial del Ejército de Nicaragua, se nos dió la autorización y procedimos a internarnos aguas arriba del Río Sarapiquí, con destino a Puerto Viejo de Sarapiquí. Arribamos a Puerto Viejo de Sarapiquí a las quince horas. Mantengo para el Protocolo de Referencias del suscrito, copias fotostáticas de los recibos entregados por los oficiales de Ejército de Nicaragua. Es todo. Expido un primer testimonio. Leído al testigo Alvarado lo que fue lo anterior, le resultó conforme, manifiesta que lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las quince horas y treinta minutos del cinco de mayo del año dos mil uno.----------ILEGIBLE---SERGIO GERARDO UGALDE GODINEZ---------------------

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA ORIGINAL NUMERO VEINTIDOS, VISIBLE A FOLIO VEINTISIETE VUELTO DEL TOMO TERCERO DEL PROTOCOLO DEL SUSCRITO NOTARIO. CONFRONTADA CON SU ORIGINAL, RESULTO CONFORME Y LA EXPIDO COMO UN PRIMER TESTIMONIO EN EL MISMO ACTO DE OTORGARSE LA ORIGINAL.-------------

Annex 84

AFFIDAVIT OF CARLOS LAO JARQUÍN
DEED NO. 146-1, 27 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FORTY- SIX - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Puerto Viejo de Sarapiquí, appeared **CARLOS LAO JARQUIN**, of Costa Rican nationality, of legal age, merchant, resident of Puerto Viejo de Sarapiquí, identification card number **four - zero one hundred and thirty-two - zero five hundred and seventy-two,** who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That since he was a minor, he has navigated on the San Juan River for more than twenty-five years with a frequency of once or twice a week for reasons of his commercial activities, because his business is the transportation of persons, since he is the owner of three passenger vessels. SECOND: That according to his experience, since approximately nineteen ninety-four, the Army of that country has imposed on him a number of requirements for the performance of such navigation, among which are the following: Costa Rican and foreign passengers have been forced to pay a tourist card in the amount of five American dollars as well as the payment of immigration fees, the amount of which has varied, that currently is the amount four American dollars divided as follows: two dollars for entering into the San Juan River and two dollars for exiting the San Juan River. He himself was never charged these amounts until the twenty-first of November in the year two thousand five. On that occasion, as he returned from Tortuguero - located in Costa Rican territory - going toward Puerto Viejo de Sarapiquí - also located in Costa Rican territory - while stopping at the post of the Nicaraguan Army located in the area known as Boca del Sarapiquí. There, the immigration officer demanded that he show his Costa Rican passport with a Nicaraguan consular visa; otherwise, he would not be admitted to Costa Rica. Since it was absolutely impossible for him to submit such documents, after painstaking efforts, he was admitted into Costa Rican territory after paying the amounts corresponding to the Tourist Card and the immigration fees in the amount of nine dollars. He stated that he has obtained the Nicaraguan consular visa on two occasions and that he has paid twenty-five dollars for each visa. He obtained the first visa on the twentieth of December in the year two thousand five, and the second one on the sixth of January two thousand six. To obtain the visas, he had to travel to the city of San José on both occasions and had to stay in line for several hours, which caused him commercial financial loss. He continues stating that, on the twenty-eighth of December in the year two thousand five, when he travelled from Puerto Viejo de Sarapiquí to the Tortuguero canals, he was charged nine dollars again for the tourist card and the immigration fees. He also had to show the consular visa that he had obtained in order to be allowed to navigate the River. THIRD: That he knows that the Costa Rican river carriers were notified by the Nicaraguan authorities that, in order to navigate on the San Juan River, as of November of the year two thousand five, it would be mandatory to fly the Nicaraguan flag on their vessels and that, should they fail to do so, they would either be charged a fine or they would be prohibited completely from navigating the San Juan River. FOURTH: That he believes that all these restrictions limit the free exercise of trade and communication between the communities, the families and the persons in the region, and that they have had severe consequences especially on the transportation of passengers, causing serious problems for the residents of the area, and particularly for him. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign in Puerto Viejo de Sarapiquí at the twelve hours and ten minutes of twenty-seven January of two thousand and six. ———————————

——————————————————— ILLEGIBLE

———————— T.V.M. ————————

————————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FORTY-SIX-ONE, WHICH STARTS ON PAGE NINETY-THREE FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CUARENTA Y SEIS-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por Puerto Viejo de Sarapiquí, comparece el señor CARLOS LAO JARQUIN, de nacionalidad costarricense, mayor de edad, de profesión comerciante, vecino de Puerto Viejo de Sarapiquí, con cedula de identidad numero **cuatro – cero ciento treinta y dos – cero quinientos setenta y dos**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que desde que era menor de edad, hace más de veinticinco años navega por el río San Juan, con una periodicidad de una a dos veces por semana, por motivos de su actividad comercial, pues se dedica al transporte de personas, pues es propietario de tres embarcaciones para el transporte de pasajeros. SEGUNDO: Que según su experiencia, desde aproximadamente mil novecientos noventa y cuatro, el Ejército de ese país le ha venido imponiendo una serie de requisitos para la realización de esa navegación, entre las que se cuentan las siguientes: a los pasajeros costarricenses y extranjeros se les empezó a exigir el pago de una tarjeta de turismo por la suma de cinco dólares, moneda estadounidense, y también el pago de derechos migratorios, cuyos montos han variado, y que en la actualidad es la suma de cuatro dólares, moneda estadounidense, divididos así: dos dólares por el ingreso al Río San Juan, y dos dólares por la salida del Río San Juan. A él personalmente nunca se le cobraron dichos importes, hasta el día veintiuno de noviembre del año dos mil cinco. En esa ocasión, al regresar de Tortuguero en territorio costarricense, a Puerto Viejo de Sarapiquí, también en territorio costarricense, al detenerse en el puesto del Ejército Nicaragüense en el sector conocido como Boca del Sarapiquí, el oficial de migración allí estacionado le exigió que debía presentar pasaporte costarricense portando visa consular nicaragüense, pues de lo contrario no le permitiría el ingreso a Costa Rica. En vista que le era absolutamente imposible presentar dichos documentos, y luego de ingentes esfuerzos, se le permitió ingresar a territorio costarricense luego de pagar los importes correspondientes a la Tarjeta de Turismo e importes migratorios correspondientes, por un monto de nueve dólares. Indica que ha sacado en dos ocasiones la visa consular nicaragüense, con un costo de veinticinco dólares por cada visa, la primera la sacó el veinte de diciembre de dos mil cinco y las segunda el seis de enero de dos mil seis, para lo cual en ambas ocasiones tuvo que desplazarse hasta la ciudad de San José y hacer fila por varias horas para poder obtenerla, lo que le generó pérdidas en su actividad comercial. Continúa indicando que el día veintiocho de diciembre de dos mil cinco, al desplazarse de Puerto Viejo de Sarapiquí hacia los canales de Tortuguero le cobraron

tuvo que presentar la visa consular que ya había obtenido para que lo dejaran navegar por el Río. TERCERO: Que le consta que para navegar por el río San Juan, a partir del mes de noviembre de dos mil cinco se les comunicó a los transportistas pluviales costarricenses, por parte las autoridades nicaragüenses, que es obligatorio portar la bandera nicaragüense, y que de no hacerlo, se les impondrá una multa o se les impedirá totalmente la navegación por el Río San Juan. CUARTO: Que considera que todas estas restricciones limitan el libre ejercicio del comercio y la comunicación entre los pueblos, familias y personas en la zona, y que en especial han repercutido gravemente en el transporte de pasajeros, causando serios problemas para los vecinos de la zona, y en particular en lo personal. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las doce horas con diez minutos del veintisiete de enero de dos mil seis.***
************************ILEGIBLE************************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CUARENTA Y SEIS-UNO INICIADA AL FOLIO NOVENTA Y TRES FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 85

AFFIDAVIT OF GEOVANY NAVARRO GARRO
DEED NO. 147-1, 27 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FORTY– SEVEN- ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Puerto Viejo de Sarapiquí, appeared **GEOVANY NAVARRO GARRO**, of Costa Rican nationality, of legal age, merchant, resident of Puerto Viejo de Sarapiquí, identification card number **two - zero four hundred and seventy-six - zero six hundred and seven,** who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has navigated the San Juan River for about thirteen years with a frequency of three times a month for reasons of his commercial activity since his trade is the transportation of persons, given that he is the owner of two passenger vessels for the transportation of passengers and merchandise on an occasional basis; and that one of the routes that he operates is that which connects Puerto Viejo de Sarapiquí with Barra del Colorado and Tortuguero. SECOND: That based on his experience, since approximately nineteen ninety-eight, the Army of that country has been imposing a number of requirements for carrying out said navigation, among which are the following: Costa Rican and foreign passengers have been forced to pay a tourist card in the amount of five American dollars as well as immigration fees, the amount of which has varied, now being four American dollars divided as follows: two dollars for entering the San Juan River and two dollars for exiting the San Juan River. He himself was never been charged such amounts until the eighteenth of November in the year two thousand five when, upon entering the San Juan River, he had to stop at the post of the Nicaraguan Army located in the area known as Boca del río Sarapiquí, and was informed by the immigration officer that he had to show his

Costa Rican passport with a corresponding Nicaraguan consular visa, since without those requirements he could not navigate the San Juan River. In addition, he was informed that, as of that moment, he would have to pay the corresponding amounts for the tourist card and the immigration fees. THIRD: He continues to state that the Nicaraguan officers informed him that, in order to navigate the San Juan River, it was mandatory to fly the Nicaraguan flag and that if he did not do so he would not be allowed to navigate on the San Juan River. This occurred around the eighteenth of November in the year two thousand five. FOURTH: He continues to state that all these actions are severely affecting his commercial activity and that he is currently suffering damages, particularly in relation to the requirement of obtaining a Nicaraguan visa and carrying his passport, as well as the effect on the passengers that he must transport. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Puerto Viejo de Sarapiquí at the twelve hours and thirty minutes of twenty-seven January of two thousand and six. ——————————————

—ILLEGIBLE ———————————————— T.V.M. ————

————————————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FORTY-SEVEN-ONE, WHICH STARTS ON PAGE NINETY-THREE REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CUARENTA Y SIETE-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por Puerto Viejo de Sarapiquí, comparece el señor GEOVANY NAVARRO GARRO, de nacionalidad costarricense, mayor de edad, de profesión comerciante, vecino de Puerto Viejo de Sarapiquí, con cedula de identidad numero **dos – cero cuatrocientos setenta y seis – cero seiscientos siete**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que desde hace unos de trece años navega por el río San Juan, con una periodicidad de tres veces por mes, por motivos de su actividad comercial, ya que se dedica al transporte de personas, dado que es propietario de dos embarcaciones para el transporte de pasajeros y mercaderías de manera ocasional, y que dentro de las rutas que opera está la de Puerto Viejo de Sarapiquí con Barra del Colorado y Tortuguero. SEGUNDO: Que según su experiencia, desde aproximadamente mil novecientos noventa y ocho, el Ejército de ese país le ha venido imponiendo una serie de requisitos para la realización de esa navegación, entre las que precisa las siguientes: a los pasajeros costarricenses y extranjeros se les empezó a exigir el pago de una tarjeta de turismo por la suma de cinco dólares, moneda estadounidense, y también el pago de derechos migratorios, cuyos montos han variado, y que en la actualidad es la suma de cuatro dólares, moneda estadounidense, divididos así: dos dólares por el ingreso al Río San Juan, y dos dólares por la salida de ese río. A él personalmente nunca se le cobraron dichos importes, hasta el dieciocho de noviembre del año dos mil cinco, cuando al hacer ingreso al Río San Juan y tener que reportarse en el puesto del Ejército Nicaragüense localizado en el lugar conocido como Boca del río Sarapiquí, se le informó por parte del funcionario de migración que debía presentar pasaporte costarricense portando visa consular nicaragüense, pues sin estos requisitos no podía navegar por el río San Juan. Asimismo, se le informó que a partir de ese momento debía cancelar los conceptos de tarjeta de turismo y migración. TERCERO: Sigue manifestando que los oficiales nicaragüenses le informaron que para poder navegar por el río San Juan, es obligatorio portar la bandera nicaragüense, y que si no lo hace, no se le permitirá la navegación por el Río San Juan. Esto ocurrió aproximadamente el dieciocho de noviembre de dos mil cinco. CUARTO: Sigue manifestando que todas estas acciones le están afectando seriamente en su actividad, y que en este momento esta teniendo perjuicios, particularmente en cuanto a la obtención de la visa y portar pasaporte, así como para los pasajeros que debe transportar. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las doce horas con treinta minutos del veintisiete de enero de dos mil seis.***

**********************ILEGIBLE**********************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CUARENTA Y SIETE-UNO INICIADA AL FOLIO NOVENTA Y TRES VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 86

AFFIDAVIT OF PABLO GERARDO HERNÁNDEZ VARELA
DEED NO. 148-1, 27 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FORTY– EIGHT - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Puerto Viejo de Sarapiquí, appeared **PABLO GERARDO HERNÁNDEZ VARELA**, of Costa Rican nationality, of legal age, merchant, resident of Puerto Viejo de Sarapiquí, identification card number **one - zero five hundred and seventy five - zero two hundred and forty-six,** who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has navigated the San Juan River for at least fifteen years with a frequency of twice a month for reasons of his commercial activity since currently he transports persons as captain of a passenger vessel owned by Mr. Geovany Navarro Garro, and that one of the routes that he operates is that which connects Puerto Viejo de Sarapiquí with the Tortuguero Canals and Barra del Colorado. SECOND: He says that he knows that since nineteen ninety-four the Army of that country has imposed several navigation requirements, among which are the following: all passengers, Costa Rican as well as foreign, are required to pay immigration fees, the amount of which has varied at various times, and that these charges amount to four United States dollars, divided as follows: two dollars for entering and two dollars for exiting the San Juan River, as well as the payment of a tourist card for the amount of five United States dollars. He states that he himself was never charged such amounts until the end of last year. The last time he tried to navigate the river on the eighteenth of November in the year two thousand five, as he entered the San Juan River while transporting two European passengers from Puerto Viejo de Sarapiquí to the Tortuguero Canals, he had to stop at the post of the Nicaraguan Army located in the area known as Boca del río Sarapiquí, where the immigration officer demanded that he show his Costa Rican passport with a corresponding Nicaraguan consular visa; otherwise, he would not be allowed to navigate the

San Juan River. At that time Mr. Pablo did not have those documents, and this was the reason why they impeded his passage and he was forced to get out of the river, and was therefore impeded from transporting the passengers. In addition, he was informed that, as of that moment, he would have to pay the corresponding amounts for the tourist card, the immigration fees, and that, should he fail to bear his passport with a corresponding consular visa, he "would not pass". He continues to state that, although the Nicaraguan visa is valid for one month, the Nicaraguan officers understand that the visa is rendered ineffective after it is used to enter and exit the San Juan River on one single journey. THIRD: He continues to state that the Nicaraguan officers have informed him on several occasions that, in order to navigate the San Juan River, it is mandatory to fly the Nicaraguan flag and that, should he fail to do so, navigation on the San Juan River would be impeded. FOURTH: He finally states that he has been seriously affected by all these restrictions because they hinder his passenger transportation activity. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Puerto Viejo de Sarapiquí at the twelve hours and fifty-five minutes of twenty-seven January of two thousand and six. ——————

ILLEGIBLE —————————— T.V.M. ——————

——————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FORTY-EIGHT-ONE, WHICH STARTS ON PAGE NINETY-FOUR REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CUARENTA Y OCHO-UNO: Ante mi **TATIANA VARGAS MASÍS,** Notaria Pública de San José, y de paso por Puerto Viejo de Sarapiquí, comparece el señor PABLO GERARDO HERNANDEZ VARELA, de nacionalidad costarricense, mayor de edad, de profesión comerciante, vecino de Puerto Viejo de Sarapiquí, con cedula de identidad numero **uno – cero quinientos setenta y cinco – cero doscientos cuarenta y seis,** quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que desde hace al menos unos quince años navega por el río San Juan, aproximadamente con una periodicidad de dos veces por mes, por motivos de su actividad comercial, ya que actualmente se dedica al transporte de personas, como capitán de una embarcación para el transporte de pasajeros propiedad del señor Geovany Navarro Garro, y que dentro de las rutas que le asignaron está la que conecta Puerto Viejo de Sarapiquí con Los Canales del Tortuguero y Barra del Colorado. SEGUNDO: Dice que sabe que desde mil novecientos noventa y cuatro, el Ejército de ese país le ha exigido una serie de requisitos para permitir la navegación, entre los que menciona las siguientes: a todos los pasajeros, tanto costarricenses como extranjeros se les comenzó a requerir el pago de derechos migratorios, cuyos montos han cambiado en distintos momentos, y que en este momento asciende a la suma de cuatro dólares, moneda estadounidense, desglosados de la siguiente manera: dos dólares por el ingreso y dos dólares por la salida del Río San Juan, y también el pago de una tarjeta de turismo por la suma de cinco dólares, moneda estadounidense. Indica que a él personalmente nunca le cobraron dichos importes, hasta finales del año pasado, pues la última ocasión en que intentó navegar por el río, el dieciocho de noviembre del año dos mil cinco, al hacer ingreso al Río San Juan transportando dos pasajeros europeos de Puerto Viejo de Sarapiquí hasta los Canales de Tortuguero y tener que reportarse en el puesto del Ejército Nicaragüense localizado en el lugar conocido como Boca del río Sarapiquí, el funcionario de migración le exigió que debía presentar pasaporte costarricense portando visa consular nicaragüense, pues sin estos requisitos no podía navegar por el río San Juan. Don Pablo en ese momento carecía de dichos documentos, por lo que le impidieron el paso y le exigieron salir del cauce, impidiéndole por tanto realizar el traslado de los pasajeros. Asimismo, se le informó que a partir de ese momento debía cancelar los conceptos de tarjeta de turismo, derechos migratorios y que de no portar pasaporte con la respectiva visa consular "no pasa". Sigue manifestando que pese a que la visa consular tiene una vigencia de un mes, los efectivos nicaragüenses entienden que al entrar y salir del Río San Juan en un trayecto la misma

queda sin efectos. TERCERO: Sigue manifestando que los oficiales nicaragüenses le han informado en diferentes momentos que para poder navegar por el río San Juan, resulta indispensable portar la bandera nicaragüense, caso contrario se impide la navegación por el Río San Juan. CUARTO: Finalmente manifiesta que se ha visto seriamente perjudicado a raíz de todas estas restricciones ya que le impide realizar su trabajo de transporte de personas. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las doce horas con cincuenta y cinco minutos del veintisiete de enero de dos mil seis.****************
************************ILEGIBLE************************T.V.M.**************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CUARENTA Y OCHO-UNO INICIADA AL FOLIO NOVENTA Y CUATRO VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 87

AFFIDAVIT OF SANTOS MARTÍN ARRIETA FLORES
DEED NO. 149-1, 27 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FORTY- NINE- ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Puerto Viejo de Sarapiquí, appeared **SANTOS MARTÍN ARRIETA FLORES**, of Costa Rican nationality, of legal age, merchant, resident of Puerto Viejo de Sarapiquí, identification card number **four - zero one hundred and eighteen - zero six hundred**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has navigated the San Juan River for approximately twenty or twenty-two years with a frequency of about four to five times a month during the peak season for reasons of his commercial activity—currently he transports persons—since he is the owner of two passenger vessels and before that he used to transport merchandise. He mentions that one of the routes that he operates is that which connects Puerto Viejo de Sarapiquí with Tortuguero, a route of great importance to the Costa Rican tourist-commercial activities. SECOND: He claims to recall that, around nineteen ninety-five, the Nicaraguan Army began to impose several restrictions on the navigation of Costa Rican vessels on the San Juan River, among which are the following: the requirement to pay immigration fees in varying amounts throughout the years, and that such payment is currently in the amount of four dollars, two dollars for entering the San Juan River and two dollars for exiting the San Juan River, as well as the payment of a tourist card at the cost of five dollars. He states that, as of last November, when the Nicaraguan authorities began to require the Costa Rican passport with the Nicaraguan consular visa, he was charged those fees for the first time. He continues to state that, about two months and a half ago, his vessels and passengers began to be subjected to frequent inspections, a situation that may vary depending on the officials of the Nicaraguan Army that are on duty at the post located in the area known as Boca del Sarapiquí. THIRD: He states that, around the year two thousand one, the Nicaraguan Army were demanding to fly the Nicaraguan flag in order to be able to navigate the San Juan River. This action was maintained for several weeks until Costa Rica challenged the measure officially and the practice was suspended. However, he states that, in November, he was informed by the Nicaraguan officers that it was again mandatory to fly the Nicaraguan flag in order to be able to navigate the San Juan River. FOURTH: He states that these restrictions have affected him personally in various ways, particularly in economic terms. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Puerto Viejo de Sarapiquí at the thirteen hours and fifteen minutes of twenty-seven January of two thousand and six. ——————————

—————————— ILLEGIBLE ——————

—————— T.V.M. ——————————

THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FORTY-NINE-ONE, WHICH STARTS ON PAGE NINETY-SIX REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.-

(illegible signature)

NÚMERO CIENTO CUARENTA Y NUEVE-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por Puerto Viejo de Sarapiquí, comparece el señor SANTOS MARTIN ARRIETA FLORES, de nacionalidad costarricense, mayor de edad, de profesión comerciante, vecino de Puerto Viejo de Sarapiquí, con cedula de identidad numero **cuatro – cero ciento dieciocho – cero seiscientos**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que hace más o menos unos veinte o veintidós años navega por el río San Juan, aproximadamente con una periodicidad en temporada alta de cuatro o cinco veces por mes, por motivos de su actividad comercial, actualmente se dedica al transporte de personas, ya que es propietario de dos embarcaciones para el transporte de pasajeros, y anteriormente también transportó mercancías. Menciona que entre de las rutas que comercializa se encuentra la que une a Puerto Viejo de Sarapiquí con Tortuguero, ruta que es de gran importancia para la actividad comercial-turística costarricense. SEGUNDO: Indica recordar que aproximadamente en el año mil novecientos noventa y cinco, el Ejército nicaragüense comenzó a imponer diversas limitaciones a la navegación costarricense en el Río San Juan, entre los que se encuentran: el requerimiento del pago de derechos migratorios, con diferentes montos a lo largo de los años, y que actualmente se encuentra en la suma de cuatro dólares, sea dos dólares por el ingreso y dos dólares por la salida del Río San Juan, y también el pago de una tarjeta de turismo por la suma de cinco dólares. Manifiesta que a partir del mes de noviembre pasado, en que empezaron a exigir el pasaporte costarricense portando la visa consular nicaragüense le comenzaron a cobrar dichos importes personalmente. Sigue manifestando que desde aproximadamente hace dos meses y medio su embarcación y los pasajeros que transporta ha sido sometidos a frecuentes revisiones, dependiendo de los efectivos del ejército nicaragüense que se encuentren en el puesto ubicado en la zona denominada Boca del Sarapiquí. TERCERO: Manifiesta que aproximadamente en el año dos mil uno el ejército nicaragüense estuvo exigiendo la portación de bandera de ese país para permitir la navegación en el Río San Juan, acción que se mantuvo por unas semanas hasta que Costa Rica protestó oficialmente, momento en el que se suspendió dicha práctica. Sin embargo expresa que desde el mes de noviembre los oficiales nicaragüenses le han informado que nuevamente para navegar por el río San Juan, es necesario portar la bandera nicaragüense. CUARTO: Declara que estas limitaciones le han afectado personalmente en diversas esferas, en especial en la parte económica. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las trece horas con quince minutos del veintisiete de enero de dos mil seis.**

**********************ILEGIBLE**********************T.V.M.************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CUARENTA Y NUEVE-UNO INICIADA AL FOLIO NOVENTA Y SEIS VUELTO DEL TOMO PRIMERO DE M^{I} PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 88

AFFIDAVIT OF CARLOS LUIS ALVARADO SÁNCHEZ
DEED NO. 150-1, 27 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY - ONE: Before me, **TATIANA VARGAS-MASÍS**, Notary Public of San José, passing through Puerto Viejo de Sarapiquí, appeared **CARLOS LUIS ALVARADO SÁNCHEZ**, of legal age, sergeant of the Public Force of Costa Rica, resident of Los Arbolitos de Sarapiquí, identification card number **four - zero zero ninety-five - zero nine hundred and seventy-three,** who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he began working for the Rural Assistance Guard in Puerto Viejo de Sarapiquí on the sixteenth of February in nineteen eighty-three. However, he says that his knowledge goes further back in time because his father was a member of the Rural Guard, which was known at the time as the Revenue Service in the area, for a term of five years, sometime between nineteen seventy-six and nineteen eighty-one. During this time, his father navigated the San Juan River for official purposes without any restrictions. He continues stating that, at that time, the situation was very affable because they even carried out joint patrolling in conjunction with Nicaragua. The relations were good, and they were never asked for permits nor were restrictions of any kind imposed on them. In addition, there was a lot of trade going on among the neighbours. SECOND: That during his first years of work with the Rural Assistance Guard, which carried out the duties of the Revenue Service, he remembers that the Costa Rican police navigated without problems, until the Nicaraguan civil war was aggravated, in which time the Costa Rican police decided to stop navigating the river for reasons of the security of its officers and to avoid being attacked within the Nicaraguan conflict. After the end of the war in Nicaragua, around nineteen ninety, the Costa Rican police started navigating the San Juan River again carrying their arms visibly, in order to fulfil their duties. And, just out of courtesy and as a measure of mutual security, they used to inform the posts of the Nicaraguan Army about their transit in the river. He has personally navigated the San Juan River wearing his uniform and visibly bearing the required arms on tens of occasions because he did personnel relays to different places such as Boca de San Carlos, Delta Costa Rica, Tortuguero, Barra Norte, Barra Sur and Puerto Lindo because there were police posts in all those places. THIRD: That during the first years of the nineties, they navigated without schedules or any other kind of restrictions and they visibly carried their normal arms. The police could navigate without problems until July of nineteen ninety-eight, when Nicaragua prohibited the navigation of armed police officers on the San Juan River. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Puerto Viejo de Sarapiquí at the sixteen hours and fifty-four minutes of twenty-seven January of two thousand and six. ——————————— ILLEGIBLE ———————————— T.V.M. ——————

——————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-ONE, WHICH STARTS ON PAGE NINETY-SEVEN FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, de paso por Puerto Viejo de Sarapiquí comparece **CARLOS LUIS ALVARADO SÁNCHEZ,** mayor de edad, Sargento de la Fuerza Pública de Costa Rica, vecino de Los Arbolitos de Sarapiquí, con cedula de identidad numero cuatro-cero cero noventa y cinco-cero novecientos sesenta y tres, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que ingresó a laborar a la Guardia de Asistencia Rural en Puerto Viejo de Sarapiquí el dieciséis de febrero de mil novecientos ochenta y tres, sin embargo indica que su conocimiento viene de más atrás, ya que su padre fue miembro de la Guardia Rural, conocida en la zona en ese tiempo como Resguardo Fiscal, por un periodo de cinco años aproximadamente entre mil novecientos setenta y seis y mil novecientos ochenta y uno; periodo durante el cual su padre navegaba por el Río San Juan en funciones oficiales sin ninguna restricción. Continua diciendo que en ese tiempo era muy bonito porque incluso se hacían patrullajes conjuntos con Nicaragua, había una muy bonita relación y nunca se les exigió permisos o se les impuso limitaciones de ninguna especie. Además había mucho comercio entre los pobladores. SEGUNDO: Que en los primeros años de sus funciones dentro de la Guardia de Asistencia Rural, que tenía las funciones del resguardo fiscal, recuerda que la policía costarricense navegaba sin problemas hasta que la guerra civil nicaragüense se agravó, momento en el que la policía costarricense decidió dejar de navegar por el río por razones de seguridad de sus oficiales, para evitar ser atacados dentro del conflicto nicaraguense. Con posterioridad al fin de la guerra nicaragüense, aproximadamente en el año mil novecientos noventa, la policía costarricense vuelve a navegar por el Río San Juan, portando sus armas visiblemente, para cumplir con sus obligaciones y únicamente a manera de cortesía y como una medida de seguridad recíproca informaban que estaban transitando por el río en los puestos del ejército nicaragüense. Él personalmente ha navegado en el Río San Juan uniformado y portando su arma reglamentaria visible en decenas de ocasiones ya que realizaba relevos a diferentes lugares como Boca de San Carlos, Delta Costa Rica, Tortuguero, Barra Norte, Barra Sur y Puerto Lindo ya que en todos estos lugares había puestos policiales. TERCERO: Que durante los primeros años de la década de los noventas navegaban sin horarios ni ninguna otra restricción y portando sus armas de reglamento visibles. Existió navegación policial sin problemas hasta Julio de mil novecientos noventa y ocho cuando Nicaragua prohibió la navegación policial con Armas de reglamento en el río San Juan. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las dieciséis horas con cincuenta y cuatro minutos del veintisiete de enero de dos mil seis.***

************************ILEGIBLE**********************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA -UNO INICIADA AL FOLIO NOVENTA Y SIETE FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 89

AFFIDAVIT OF DANIEL SOTO MONTERO
DEED NO. 151-1, 27 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-ONE - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Puerto Viejo de Sarapiquí, appeared **DANIEL SOTO MONTERO**, of Costa Rican nationality, of legal age, First Lieutenant of the Public Force, resident of Ciudad Quesada de San Carlos, identification card number **two - zero four hundred and twenty-eight - zero seven hundred and ninety-nine**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he began working with the Civil Guard in Puerto Viejo de Sarapiquí on the first of April of nineteen eighty-eight. That due to his job, and based on his own experience, and having navigated the San Juan River no less than a hundred times, he knows that, due to the armed conflict that existed in Nicaragua at that time, the Costa Rican police did not navigate the San Juan River for security reasons as the river was within the war area; however, this decision was not made on the basis of any prohibition imposed by the Nicaraguan government. SECOND: He states that sometime between nineteen ninety and nineteen ninety-one, once the armed conflict came to an end in Nicaragua, the Costa Rican police estimated that it was safe to navigate the river again, so they resumed the navigation on that waterway. He knows for certain that, between nineteen ninety and nineteen ninety-four, the Costa Rican police navigated the river freely without any restrictions, and that while carrying out said navigation, and for coordination purposes, the Nicaraguan Army was informed of their passage through the River. At that time, there were no restrictions or schedules for navigation. Navigation was free for the police as well as for the citizens, both Costa Ricans and foreigners. THIRD: He continues stating that, from around nineteen ninety-four and thereafter, the Nicaraguan Army asked one of the members of the Public Force on board of the Costa Rican vessel to disembark leaving their arms on the vessel in order to inform or communicate the navigation to the Army authorities. Later, on a date that he does not recall, the Nicaraguan Army determined that the vessels coming from Costa Rica had to be accompanied during the navigation, but that this only occurred a few times, and then it was not carried out any more. FOURTH: That the police unit to which he belongs, the Atlantic Command, conducted joint operations with the Nicaraguan Army during those years. Such was the case of the kidnapping of a German tourist and a Swiss tourist guide in Boca Tapada de San Carlos, and the kidnapping of a Dutch couple in Altamira. Both events occurred in nineteen ninety-six. He says that the area was widely patrolled at that time, and that frequent journeys were made on the police vessels for the purpose of supply and personnel relays at the border posts of the San Juan River area. He states that there was a post of the Costa Rican police in Cureña and that the relay for that post could only be done through the San Juan River. This post was closed after the government of Nicaragua prohibited police navigation. FIFTH: Finally, he states that before the Nicaraguan Government imposed the prohibition on the navigation of Costa Rican police carrying their service arms, they were never prohibited from armed police navigation. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Puerto Viejo de Sarapiquí at the seventeen hours and thirty-two minutes on twenty-seven January of two thousand and six.——————————————

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ILLEGIBLE———————————T.V.M.——————

—————————THE FOREGOING TEXT IS A TRUE COPY OF

DEED NUMBER ONE HUNDRED AND FIFTY-ONE-ONE, WHICH STARTS ON PAGE NINETY-SEVEN REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA Y UNO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, de paso por Puerto Viejo de Sarapiquí comparece **DANIEL SOTO MONTERO**, de nacionalidad costarricense, mayor de edad, Intendente de la Fuerza Pública, vecino de Ciudad Quesada de San Carlos, con cédula de identidad numero dos-cero cuatrocientos veintiocho-cero setecientos noventa y nueve, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que ingresó a laborar a la Guardia Civil en Puerto Viejo de Sarapiquí el primero de abril de mil novecientos ochenta y ocho. Que a raíz de su trabajo, y por experiencia propia, por haber navegado el río San Juan no menos de en unas cien ocasiones, sabe que en atención a la situación del conflicto armado existente en ese momento en Nicaragua la policía costarricense no navegaba por el Río San Juan por motivos de seguridad, por constituir dicho río zona de guerra, pero que dicha decisión no se tomó porque existiera alguna prohibición por parte del gobierno nicaragüense en ese sentido. SEGUNDO: Indica que aproximadamente entre los años mil novecientos noventa o mil novecientos noventa y uno, al haber finalizado el conflicto armado en Nicaragua, la policía costarricense consideró que era seguro utilizar el río para la navegación, por lo que volvió a navegar por esa vía. Entre los años mil novecientos noventa y mil novecientos noventa y cuatro le consta que la policía costarricense navegó libremente sin que se le impusiera ninguna restricción, y que en esa navegación, por razones de coordinación, se le comunicaba al ejército nicaragüense que estaban pasando por el Río. En esta época no había restricciones ni horarios, la navegación era libre tanto para la policía como para la ciudadanía, tanto costarricense como extranjera. TERCERO: Continúa manifestando que aproximadamente desde el año mil novecientos noventa y cuatro en adelante el ejército nicaragüense exigió que uno de los miembros de la fuerza pública que iba en la embarcación costarricense bajara a tierra, dejando las armas en la embarcación, para informar o comunicar la navegación. Posteriormente, en fecha que no precisa, el ejército nicaragüense estableció que en algunas ocasiones se les acompañara en la navegación, pero que se realizó en pocas ocasiones, y después no se realizó más. CUARTO: Que la unidad de la policía a la cual pertenece, propiamente el Comando Atlántico, en esos años realizó operativos conjuntos con el ejército nicaragüense, como en el caso del secuestro de una turista alemana y una guía turística suiza en Boca Tapada de San Carlos y el secuestro de Altamira de una pareja de Holandeses, ambos ocurridos en el año de mil novecientos noventa y seis. Dice que en esa época todavía se patrullaba bastante el área, y para efectos de abastecimiento y relevo de personal en los puestos fronterizos del área del Río San Juan, se realizaban viajes frecuentes en las embarcaciones de la policía para realizar dichas labores. Manifiesta que la policía costarricense tenía un puesto en Cureña cuyo relevo sólo se podía realizar por el río San Juan y posteriormente a la prohibición del gobierno de Nicaragua de la navegación policial debió ser cerrado. QUINTO: Finalmente manifiesta que antes de la prohibición impuesta por el Gobierno de Nicaragua para la navegación de policías costarricenses con sus armas de reglamento, nunca se les prohibió la navegación policial armada. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las diecisiete horas con treinta y dos minutos del veintisiete de enero de dos mil seis.****************

**********************ILEGIBLE**********************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y UNO-UNO INICIADA AL FOLIO NOVENTA Y SIETE VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 90

AFFIDAVIT OF LUIS ANGEL JIRÓN ANGULO
DEED NO. 152-1, 28 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-TWO - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through the town of Tortuguero in the Province of Limón, appeared **LUIS ÁNGEL JIRÓN ANGULO**, of Costa Rican nationality, of legal age, Official Director of the National Coastguard Service Post at Barra del Colorado, resident of Puerto Viejo de Sarapiquí, identification card number **six - one hundred and twenty-five - four hundred and ninety-nine**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he began working for the Civil Guard on the sixteenth of October of nineteen eighty-two and continued working until nineteen ninety-four; then he resumed work again in nineteen ninety-eight as commander of the Los Chiles Command in the northbound border with Nicaragua, afterwards being transferred to other commands, but in particular the Atlantic Command in Puerto Viejo de Sarapiquí. SECOND: That for work reasons, and based on his own experience, at the beginning of the nineteen nineties, when he served as Lieutenant of the Los Chiles Command of the Costa Rican Public Force, he participated directly in joint operations with the Nicaraguan Army navigating on the San Juan River, in delinquent search operations. He recalls that such operations did not require authorization, and that they navigated on Costa Rican vessels while carrying their service arms. He continues stating that, having worked for the Costa Rican Civil Guard at that time, he knows that from the year nineteen ninety to nineteen ninety-four, the Costa Rican police navigated the San Juan River very frequently, particularly with the purpose of conducting personnel relays and supplying the border posts in the area, and that there were no navigation restrictions for the Costa Rican officers at that time. THIRD: He continues stating that, around the year nineteen ninety-eight, when he rejoined the police, Costa Rican police officers had no problems navigating the San Juan River until July of that same year when the Nicaraguan Government decided not to allow the navigation of Costa Rican policemen carrying their service arms. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approves it, and we both sign in Tortuguero at the thirteen hours and five minutes of twenty-eight January of two thousand and six. ——

— ILLEGIBLE —————————— T.V.M. ——————

——————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-TWO-ONE, WHICH STARTS ON PAGE NINETY-EIGHT REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA Y DOS-UNO: Ante mí **TATIANA VARGAS MASÍS**, Notaria Pública de San José, de paso por el pueblo de Tortuguero, Provincia de Limón, comparece **LUIS ANGEL JIRON ANGULO**, de nacionalidad costarricense, mayor de edad, Oficial Director de la Estación de Barra del Colorado del Servicio Nacional de Guardacostas, vecino de Puerto Viejo de Sarapiquí, con cédula de identidad numero seis – ciento veinticinco – cuatrocientos noventa y nueve, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que ingresó a laborar a la Guardia Civil el día dieciséis de octubre de mil novecientos ochenta y dos, hasta mil novecientos noventa y cuatro, reingresando nuevamente en mil novecientos noventa y ocho, como comandante del Comando Los Chiles, en la Frontera Norte con Nicaragua, pasando posteriormente a varios comandos, pero en especial en el Comando Atlántico en Puerto Viejo de Sarapiquí. Para el año dos mil uno, pasó a formar parte del Servicio Nacional de Guardacostas. SEGUNDO: Que a raíz de su trabajo, y por experiencia propia, a principios de los años noventa, cuando fungía como teniente del comando de Los Chiles de la Fuerza Pública costarricense, participó directamente en operativos conjuntos con el Ejército Nicaragüense navegado el río San Juan, en operaciones de búsqueda de delincuentes. Recuerda que en dichos operativos no requerían autorización y navegaban en embarcaciones costarricenses portando sus armas de reglamento. Sigue manifestando que sabe, por estar en ese tiempo laborando para la Guardia Civil de Costa Rica, que del año mil novecientos noventa a mil novecientos noventa y cuatro la policía costarricense navegaba con bastante frecuencia el río San Juan, en especial para la realización de relevos y abastecimiento de los puestos fronterizos en esa zona, y que entonces no había restricciones para la navegación de oficiales costarricenses. TERCERO: Continúa manifestando que aproximadamente desde el año mil novecientos noventa y ocho, cuando se reincorporó a la policía, tampoco existían problemas para la navegación de policías costarricenses en el río San Juan, hasta que en el mes de julio de ese año, el Gobierno Nicaragüense tomó la decisión de no permitir la navegación de policías costarricenses portando sus armas. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en la localidad de Tortuguero a las trece horas con cinco minutos del veintiocho de enero de dos mil seis.

************************ILEGIBLE************************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y DOS-UNO INICIADA AL FOLIO NOVENTA Y OCHO VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 91

AFFIDAVIT OF MARVIN HAY GONZÁLEZ
DEED NO. 153-1, 28 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-THREE- ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through the town of Tortuguero in the Province of Limón, appeared Mr. **MARVIN HAY GONZÁLEZ**, of Costa Rican nationality, of legal age, vessel captain, resident of Tortuguero, Limón, identification card number **seven - zero sixty-three - six hundred and thirty-six**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has navigated the San Juan River on a regular basis since he was approximately ten years of age; in other words, he has navigated the San Juan River for more than thirty-eight years. SECOND: He states that he has navigated the San Juan River from an early age to transport merchandise, particularly wood and food, and that he conducted this activity until he was fifteen years old. When he turned fifteen, he began to operate passenger vessels from Puerto Viejo de Sarapiquí to Puerto Limón, going through Barra del Colorado, which made it necessary to navigate the San Juan River. He states that, during those years, approximately between nineteen seventy and nineteen eighty, navigation was totally free as they did not have to pay any charges either for departure, tourism or migration. He adds that, according to his experience, it was dangerous to navigate the San Juan River around the eighties due to the armed conflict in Nicaragua, and that the Army of that country began to impose requirements on the navigation for Costa Ricans. Among the actions that he recalls is the payment of an alleged departure navigation fee. In addition, the Nicaraguan Army began to inspect vessels, including the goods and possessions of the passengers aboard Costa Rican vessels. He says that, on several occasions, the Nicaraguan Army forced him to stop the vessel in the afternoon, and he recalls that they pointed machine guns at him as he was told that he was not allowed to navigate the river, and that he had to sleep overnight on his vessel in order to continue his journey the next day. He continues stating that navigation returned to normal after the war. During this time, the Nicaraguan authorities did not force them to pay immigration duties and they could navigate and transport tourists. He says that he never transported tourists for tourism purposes on the San Juan River. Instead, he took them to the Costa Rican tourist areas of Barra del Colorado and Tortuguero departing from Puerto Viejo de Sarapiquí and vice versa. He adds that by the mid nineteen nineties, the Nicaraguans began to require the payment of tourist cards in the amount of five dollars, and that at a later date that he does not recall, they began to charge immigration taxes as well. He says that he was never personally charged those taxes, but that they were charged to the passengers aboard his vessel. He adds that, more recently, Nicaragua began to demand other requirements such as flying the Nicaraguan flag on Costa Rican vessels. He continues stating that the last time that he navigated the San Juan River was at the beginning of December in the year two thousand and five when he had to navigate the river in order to rescue the corpse of a workmate who had drowned in the San Juan River. On that occasion, the authorities of the Nicaraguan Army posts informed him that he was not going to be allowed to navigate the San Juan River anymore if he did not bear his passport with a corresponding Nicaraguan visa. He says that he knows for sure that most of the hotels located in Barra del Colorado and Tortuguero cannot or find it very difficult to transport visitors through that river, and that this situation has affected commerce in those regions. Not knowing how to read and write, and at the request of the party hereto, this document is read aloud by CÉSAR ANTONIO CALVO-MARTÍNEZ, of legal age, administrative assistant of the

Mawamba Lodge, resident of Santa Maria de Dota, national identification card number one - one thousand one hundred and seventy-four - zero nine hundred. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Tortuguero, Province of Limón at the fifteen hours and fifty minutes of twenty-eight January of two thousand and six. ——————————————————

——- ILLEGIBLE ——————————— T.V.M. ————————

——————————-THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-THREE-ONE, WHICH STARTS ON PAGE NINETY-NINE FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA Y TRES-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Tortugero, Provincia de Limón, comparece el señor MARVIN HAY GONZALEZ, de nacionalidad costarricense, mayor de edad, de profesión capitán de barco, vecino de Tortuguero de Limón, con cedula de identidad numero **siete – cero sesenta y tres – seiscientos treinta y seis**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que aproximadamente desde la edad de diez años navega en el Río San Juan de forma regular, es decir, hace más de treinta y ocho años navega por el río San Juan. SEGUNDO: Manifiesta que desde temprana edad navegaba el río San Juan para el transporte de mercaderías, sobre todo madera y alimentos, actividad que realizó hasta los quince años. A la edad de quince años se dedicó a conducir embarcaciones para el transporte de personas, lo cual hacía desde Puerto Viejo de Sarapiquí a Puerto Limón, pasando por Barra del Colorado, para lo cual necesariamente debía navegar por el río San Juan. Manifiesta que en esos años, aproximadamente entre mil novecientos setenta y mil novecientos ochenta, la navegación se hacía de forma totalmente libre, dado que no tenían que pagar ninguna carga, fuera por concepto de zarpe, turismo o migración. Que según su experiencia, desde aproximadamente a partir de la década de los ochenta, en razón del conflicto armado que vivió Nicaragua, la navegación por el río San Juan era peligrosa, y que además el Ejército de ese país empezó a imponer requisitos para la navegación de costarricenses. Entre las acciones que recuerda está el pago de un supuesto zarpe por la navegación, y que el ejército nicaragüense inició el registro de las embarcaciones, incluyendo los bienes y posesiones de los pasajeros, navegando en embarcaciones costarricenses. Dice que en varias oportunidades el ejército nicaragüense lo obligó a detenerse en horas de la tarde, y recuerda que en esas oportunidades lo encañonaban con ametralladoras, indicando que no lo dejaban navegar en dicho río, por lo cual debía dormir en su bote hasta el día siguiente, para así proseguir. Sigue manifestando que luego de la guerra, la navegación volvió a la normalidad, por lo que las autoridades nicaragüenses no los obligaban a pagar derechos migratorios, y podían navegar transportando pasajeros turistas. Dice que nunca transportó turistas para realizar turismo en el Río San Juan, sino para trasladarlos a las zonas turísticas costarricenses de Barra del Colorado y Tortuguero desde Puerto Viejo de Sarapiquí, y viceversa. Manifiesta que aproximadamente a mediados de los años noventa, los nicaragüenses empezaron a pedir el pago de tarjetas de turismo por un monto de cinco dólares, y posteriormente, pero no precisa fecha exacta, se empezó a cobrar los impuestos migratorios. Dice que a él personalmente nunca le cobraron ninguno de esos impuestos, pero sí se los cobraban a los pasajeros que transportaba. Asimismo, que más recientemente Nicaragua empezó a exigir otros requisitos, como portar la bandera nicaragüense en las embarcaciones costarricenses. Continúa declarando que la última vez que navegó por el río San Juan fue a principios del mes de diciembre de dos mil cinco, cuando tuvo que navegar para rescatar el cadáver de un compañero de trabajo, quién se había ahogado en el rio San Juan. En esa oportunidad en los puestos del Ejército Nicaragüense le informaron que ya no le iban a permitir más la navegación por el río San Juan si no portaba su pasaporte y la visa nicaragüense correspondiente. Dice que sabe y le consta que la mayoría de los hoteles ubicados en Barra del Colorado y Tortuguero ya no pueden o se les hace muy difícil transportar sus visitantes por ese río, y que esto ha afectado el comercio en estas regiones. Por no saber leer y escribir el compareciente, la presente a solicitud del mismo le es leída en voz alta por CESAR ANTONIO CALVO MARTINEZ, mayor de edad asistente administrativo del Hotel Mawamba Lodge, vecino de Santa María de Dote, con cédula de identidad número uno-mil ciento setenta y cuatro-cero novecientos Es todo. Expido un primer testimonio. Leído lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Tortuguero, Provincia de Limón, a las quince horas con cincuenta minutos del veintiocho de enero de dos mil seis.*******ILEGIBLE****** ***********************ILEGIBLE*********************T.V.M.************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y TRES-UNO INICIADA AL FOLIO NOVENTA Y NUEVE FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 92

AFFIDAVIT OF ARMANDO PERLA PÉREZ
DEED NO. 154-1, 28 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-FOUR - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through the town of Barra del Colorado in the Province of Limón, appeared Mr. **ARMANDO PERLA PÉREZ**, of Costa Rican nationality, of legal age, vessel captain, resident of Barra del Colorado, Limón, identification card number **seven - zero forty-seven - one thousand two hundred and ninety-nine**, who, having been warned about the penalties established by law in the Penal Code for the crimes of perjury and ideological falsity, declares under knowledge of the law: FIRST: That he has navigated the San Juan River since the late nineteen seventies, mainly to transport fish and prawns from Barra del Colorado to Puerto Viejo de Sarapiqui. SECOND: He states that, at that time, approximately from nineteen sixty-eight until the beginning of the nineteen eighties, navigation on the San Juan River was free; in other words, it did not require permits or payments of any kind. On some occasions, the members of the Nicaraguan Army stopped them and asked them for a donation of five colones to buy food for themselves and to cover other expenses at the post. He continues stating that, when the Sandinistas took power in Nicaragua, Costa Ricans began to have problems, including himself, because Nicaraguans made inspections, which were dangerous because they were sometimes shot at. He states that, when the war was over, navigation returned back to normal and that they could navigate without restrictions and without making payments for tourist or immigration purposes, but that they were sometimes charged a departure clearance certificate of one thousand colones. Later, after nineteen ninety-eight, other measures were imposed, particularly for police officers. He also began to transport passengers four years ago. However, more recently, at the end of last year, when the visa and passport requirements were established, navigation became very difficult for him, making it almost impossible to travel to obtain the passport and the visa. The twenty-five dollars that he has to pay for the visa does not allow him to sell fish anymore because the profits obtained from each trip are around ten thousand colones or twenty dollars, and the visa alone costs twenty-five dollars, excluding transportation expenses and the time investment. This situation has caused serious damage to him and to his family. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Barra del Colorado, Province of Limón at the nineteen hours and twenty minutes of twenty-eight January of two thousand and six. ——————————————

—————————— ILLEGIBLE ——————————

—- T.V.M. ——————————————-THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-FOUR-ONE, WHICH STARTS ON PAGE ONE HUNDRED FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NUMERO CIENTO CINCUENTA Y CUATRO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Barra del Colorado, Provincia de Limón, comparece el señor ARMANDO PERLA PEREZ, de nacionalidad costarricense, mayor de edad, de profesión capitán de barco, vecino de Barra del Colorado, de Limón, con cedula de identidad numero **siete – cero cuarenta y siete – mil doscientos noventa y nueve**, quien advertido de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: PRIMERO: Que desde finales de los años sesenta navega regularmente en el Rio San Juan, principalmente para el transporte de pescado y langostinos desde Barra del Colorado hasta Puerto Viejo de Sarapiquí. SEGUNDO: Manifiesta que en esa época, aproximadamente de mil novecientos sesenta y ocho hasta principios de la década de los años ochenta, la navegación en el río San Juan era libre, es decir, no requería de permisos ni del pago de derechos de ninguna especie. En algunas ocasiones los miembros del ejército nicaragüense los paraban y les solicitaban una contribución de cinco colones para poder ellos comprar comida y otros gastos del puesto. Sigue manifestando que cuando los Sandinistas entraron a gobernar Nicaragua, empezaron los costarricenses a tener problemas, incluido él mismo, pues los nicaragüenses hacían requisas y era peligroso, porque a veces se les disparaba. Indica que cuando la guerra finalizó, la navegación se normalizó y que lo hacían sin restricciones y sin necesidad de hacer pagos por turismo o migratorios, pero que a veces les cobraban un derecho de zarpe de mil colones. Posteriormente, después de mil novecientos noventa y ocho se empezaron a imponer medidas, sobre todo a los policías, y desde hace cuatro años empezó a dedicarse también al transporte de personas sin embargo más recientemente, a finales del año pasado cuando se impusieron los requisitos de visa y pasaporte, dificultando la navegación, pues no sólo le es casi imposible trasladarse para obtener la visa y el pasaporte, el costo de la visa de veinticinco dólares no le permite comerciar más con pescado, ya que la ganancia por cada viaje puede ser de unos diez mil colones o veinte dólares, y sólo la visa cuesta veinticinco dólares, sin contar los gastos de traslado y el tiempo que se debe emplear, situación que actualmente le ha causado un grave perjuicio a él y su familia. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Barra del Colorado, Provincia de Limón, a las diecinueve horas con veinte minutos del veintiocho de enero de dos mil seis.**********
***** ******************ILEGIBLE***********************T.V.M.************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y CUATRO-UNO INICIADA AL FOLIO CIEN FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 93

AFFIDAVIT OF WINDEL HODGSON HODGSON
DEED NO. 155-1, 28 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-FIVE - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through the town of Barra del Colorado in the Province of Limón, appeared Mr. **WINDEL HODGSON-HODGSON**, of Costa Rican nationality, of legal age, vessel captain, resident of Barra del Colorado, Limón, identification card number **seven - zero sixty-one - nine hundred and thirty-four**, who, having been warned about the penalties established by law in the Penal Code for the crimes of perjury and ideological falsity, declares under knowledge of the law: FIRST: That he has been continuously navigating the San Juan River for more than thirty years, mainly for passenger transportation from Puerto Limón to Barra del Colorado, and from there to Puerto Viejo de Sarapiquí, going through the San Juan River. SECOND: That when he navigated the river in the nineteen seventies, there were no problems with the Nicaraguan Army, and that he and his father always navigated the river with total freedom because everyone knew that Costa Rica had that right, and they basically transported tourists, reason why the Nicaraguan officers never forced them or the tourists to pay any taxes. When the civil war broke out in Nicaragua, navigation had to be suspended because they were shot at and bombs were thrown to the river during the conflict. He states that, when peace was achieved in Nicaragua, navigation returned back to normal and they were not charged any taxes, except for the right of sail charged by the army to purchase supplies for their posts. In nineteen ninety four, they began to charge a payment for a tourist card, but only to tourists, and later they charged immigration duties as well. At the end of last year, Nicaragua began to impose requirements on all boat owners and passengers, such as the visa and the passport. As a result of these requirements, nowadays it is difficult for him to continue transporting persons, which has had serious economic consequences for him. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Barra del Colorado, Province of Limón at the nineteen hours and fifty-five minutes of twenty-eight of January of two thousand and six. —

——————————————————— ILLEGIBLE ——————

——————- T.V.M. ————————————————-THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-FIVE-ONE, WHICH STARTS ON PAGE ONE HUNDRED REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA Y CINCO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Barra del Colorado, Provincia de Limón, comparece el señor **WINDEL HODGSON HODGSON**, de nacionalidad costarricense, mayor de edad, de profesión capitán de barco, vecino de Barra del Colorado, de Limón, con cedula de identidad numero **siete – cero sesenta y uno – novecientos treinta y cuatro**, quien advertido de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: PRIMERO: Que tiene más de treinta años de navegar continuamente en el Río San Juan, principalmente para el traslado de pasajeros de Puerto Limón a Barra del Colorado, y de allí a Puerto Viejo de Sarapiquí, pasando por el río San Juan. SEGUNDO: Dice que cuando navegaba en los años setenta no existían problemas con el Ejército Nicaragüense y que siempre navegaron-él y su papá-con entera libertad el río, pues todos sabían que Costa Rica tiene ese derecho, y que fundamentalmente transportaban turistas, por lo cual nunca se les exigió por parte de los funcionarios nicaragüenses, ni a ellos ni a los turistas, el pago de ningún tributo. Cuando se produjo la guerra civil en Nicaragua se tuvo que suspender toda la navegación, pues en ese tiempo se les disparaba y se tiraban bombas en el río. Manifiesta que cuando se logró la paz en Nicaragua, se volvió a navegar con toda normalidad, sin que se les cobrara ningún tributo, con excepción del pago del zarpe que cobraba el ejército nara comprar provisiones de los puestos. Luego del año de mil novecientos noventa y cuatro se empezó a cobrar una tarjeta de turismo, pero solo a los turistas, y posteriormente se cobraba derechos de migración. A partir de finales del año pasado, Nicaragua empezó a exigir requisitos a todos los boteros y pasajeros, como la visa y el pasaporte. Que como consecuencia de esos requisitos, hoy día le es muy difícil dedicarse al transporte de personas, lo que lo ha afectado económicamente muy seriamente. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Barra del Colorado, Provincia de Limón, a las diecinueve horas con cincuenta y cinco minutos del veintiocho de enero de dos mil seis.*

***********************ILEGIBLE**********************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y CINCO-UNO INICIADA AL FOLIO CIEN VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 94

AFFIDAVIT OF JOSÉ GRANADOS MONTOYA
DEED NO. 156-1, 29 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-SIX - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through the town of Barra del Colorado in the Province of Limón, appeared who claims to be **JOSÉ GRANADOS MONTOYA**, of Costa Rican nationality, of legal age, inspector of the public police force, resident of Puerto Viejo de Sarapiquí, and who claims to bear the identification card number **three - two hundred and sixty-three - zero eighty-six,** who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he began working for the Civil Police in Puerto Viejo de Sarapiqui on the first of April nineteen eighty-four, where he has spent most of his time of his police career. That he had to navigate the San Juan River for work reasons in order to transfer to the police posts of Delta Costa Rica and Barra del Colorado from nineteen eighty-four to nineteen eighty-six. He continues stating that that he did that journey some ten times back and forth. He says that when he carried out said navigation there were no restrictions for such navigation, that they did armed and did not have to request permission. He says that although the journey was very dangerous, since he knows that occasionally the River was bombed, as well as the Costa Rican border posts, this is the reason why precautionary measures were taken each time navigation was carried out. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Barra del Colorado, Province of Limón at the nine hours and ten minutes of twenty-nine January of two thousand and six. —

——————————— ILLEGIBLE ————

———— T.V.M. ——————————THE

FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-SIX-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND ONE FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA Y SEIS-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, de paso por Barra del Colorado, Provincia de Limón, comparece quien dice ser **JOSE GRANADOS MONTOYA**, de nacionalidad costarricense, mayor de edad, Inspector de Policía de la Fuerza Pública, vecino de Puerto Viejo de Sarapiquí, y dice tener cédula de identidad numero tres-doscientos sesenta y tres-cero ochenta y seis, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que ingresó a laborar a la Guardia Civil en Puerto Viejo de Sarapiquí el primero de abril de mil novecientos ochenta y cuatro, donde se ha desempeñado la mayoría de tiempo de su carrera policial. Que por trabajo debía navegar el río San Juan para trasladarse a los puestos policiales de Delta Costa Rica y de Barra del Colorado, lo cual hizo de mil novecientos ochenta a cuatro mil novecientos ochenta y seis. Sigue manifestando que esa travesía la hizo en unas diez ocasiones, en la travesía de ida y vuelta. Dice que cuando realizó esa navegación no tenían restricciones para dicha navegación, la cual hacían armados y no debían pedir permiso. Dice que aunque era muy peligrosa la travesía, pues sabe que en ocasiones se lanzaban bombas en el río y los puestos fronterizos costarricenses, por lo que se tomaban medidas de precaución cada vez que se navegaba. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Barra del Colorado, Provincia de Limón, a las nueve horas con diez minutos del veintinueve de enero de dos mil seis.***
************************ILEGIBLE************************T.V.M.*************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y SEIS-UNO INICIADA AL FOLIO CIENTO UNO FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 95

AFFIDAVIT OF DANIEL REESE WISE
DEED NO. 157-1, 29 JANUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND FIFTY-SEVEN - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through the town of Barra del Colorado in the Province of Limón, appeared **DANIEL REESE WISE**, with a single last name in virtue of his nationality of the United States of America, of legal age, hotel entrepreneur, resident of Barra del Colorado, Province of Limón, residence identification card number **zero zero three five four two nine - one seven five - zero one - zero zero zero two eight three zero**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he is the current owner of Hotel Río Colorado Lodge in Barra del Colorado, which he bought in the year nineteen ninety-three, and which is a sports fishing resort that was established in nineteen seventy-two. He states that the route of Puerto Viejo de Sarapiquí passing through the San Juan River is an important route for the transportation of his merchandise as well as for the transportation of his guests. He also states that such route is important for a tour that he offered as part of his business to Barra Colorado and the Tortuguero Canals. This tour began in nineteen seventy-two and they were the first ones to travel on that route. He continues saying that, when he bought the business, there were no charges or limitations for the navigation of his vessels, but that a few years later, a tourist card payment was established and that such payment was charged only to passengers from the United States but not to Europeans. He says that such amount was increased later to nine dollars and was charged to all the passengers. At the end of last year, when Nicaraguans required to fly the flag of their country in order to authorize navigation, he decided to suspend all navigation of his boats considering that the measure was illegal and that he was not willing to accept it. He says that he knows that passports and visas are required now, even for the boatmen and Costa Ricans that have navigated the river without problems for many years, and that these new restrictions make it more difficult to use the San Juan River route. Finally, he adds that these measures have forced him to close that route, which has caused significant financial loss to his business. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, who knows the Spanish language, he approved it, and we both sign in Barra del Colorado, Province of Limón at the ten hours and eight minutes of the twenty-nine of January of two thousand and six. ————————————————————————————————

————————-ILLEGIBLE————————————-T.V.M.—

————————————————————-THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY-SEVEN-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND ONE FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO CINCUENTA Y SIETE-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, de paso por Barra del Colorado, Provincia de Limón, comparece **DANIEL REESE WISE**, de único apellido en razón de su nacionalidad estadounidense , mayor de edad, hotelero, vecino de Barra del Colorado, Provincia de Limón, con cédula de residencia numero cero cero tres cinco cuatro dos nueve-uno siete cinco-cero uno-cero cero cero dos ocho tres cero, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que es el propietario actual del Hotel Río Colorado Lodge en Barra del Colorado, el cual adquirió en el año de mil novecientos noventa y tres, que es un resort de pesca deportiva, comercio que se estableció en el año mil novecientos setenta y dos. Manifiesta que una ruta importante para el transporte de mercaderías para su negocio, así como para el transporte de los huéspedes, es la ruta Puerto Viejo de Sarapiquí, pasando por el río San Juan. Asimismo, que esa ruta es importante para un tour que se hace a Barra del Colorado y los Canales del Tortuguero, lo cual era parte de su negocio, y que se inició en el año mil novecientos setenta y dos, siendo ellos los primeros en realizar esa ruta. Sigue diciendo que cuando adquirió el negocio, no existian cargos ni limitaciones para la navegación de sus embarcaciones, pero que unos años después se inició el cobro de una tarjeta de turismo que sólo se les cobraba a los pasajeros de nacionalidad estadounidense, pero no a los europeos. Dice que posteriormente ese monto se incrementó a la suma de nueve dólares y se le empezó a cobrar a todos los pasajeros. A partir de finales del año pasado, cuando los nicaragüenses exigieron portar la bandera de ese país como requisito para navegar, él decidió suspender toda la navegación de sus botes, en consideración que esa era una medida ilegal la cual él no está dispuesto aceptar. Dice que ahora sabe que se exige la presentación de pasaportes y visas, aún para los boteros y costarricenses que tienen años y años de navegar sin problemas de ningún tipo, y que con estas nuevas restricciones aún se hace mucho más difícil utilizar la ruta del río San Juan. Finalmente agrega que estas medidas lo han forzado a cerrar esa ruta, lo cual le ha generado una pérdida importante a su negocio. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien conoce el idioma español, lo aprueba y juntos firmamos en Barra del Colorado, Provincia de Limón, a las diez horas con ocho minutos del veintinueve de enero de dos mil seis.******************ILEGIBLE**********************T.V.M.*****************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO CINCUENTA Y SIETE-UNO INICIADA AL FOLIO CIENTO UNO FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.

Annex 96

AFFIDAVIT OF WILTON HODGSON HODGSON
DEED NO. 160-1, 1 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SIXTY - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public in and for the city of San José, appeared **WILTON HODGSON HODGSON**, of Costa Rican nationality, of legal age, retired vessel captain, resident of Barra del Colorado, Province of Limón, national identification card number **eight - zero forty-six - nine hundred and ninety-nine,** who, having been warned about the penalties established by law in the Penal Code for the crimes of perjury and ideological falsity, declares under oath: FIRST: That his first trip through the San Juan River was in the year nineteen fifty-eight, when he navigated from Barra del Colorado to Puerto Viejo de Sarapiquí, navigating as of that moment on a frequency of once or twice a month until the year nineteen seventy-five, when he started to work for the Hotel Río Colorado Lodge. As of that moment, and as part of his duties at the hotel, he did a tour called the Jungle Tour, which went from Barra del Colorado in Costa Rican territory toward Delta Costa Rica, and from there to Boca de Sarapiquí to finish in Puerto Viejo de Sarapiquí, also in Costa Rican territory. He transported passengers through the San Juan River only to take them from one point to the other. This tour was done between two and three times a week. SECOND: He says that, when he began navigating the San Juan River to go from one Costa Rican location to the other, the only required procedure was to obtain a departure clearance in Costa Rican territory, usually in Barra del Colorado, so that "it was known where we came from" and the departure clearance certificate was shown in Delta Nicaragua for verification. Then they continued on the San Juan River up to the post of the Nicaraguan Army located in Boca del Sarapiquí, where the document was verified again. They departed from there through the San Juan River and returned to the Sarapiquí River and from there they went to Puerto Viejo de Sarapiquí. On their return from Puerto Viejo de Sarapiquí to Barra del Colorado, they first obtained the departure clearance at the Costa Rican post in Boca de Sarapiquí, which was later shown again at the Nicaraguan posts, thus following the same procedure to later take on the journey to Barra del Colorado. THIRD: During the first years of navigation, he transported coconut and passengers on a Costa Rican boat from Barra del Colorado to Puerto Viejo de Sarapiquí. This journey had necessarily to be made through the San Juan River because there was no other communication route. Later, as he has stated, he transported passengers for the Río Colorado Lodge. He remembers that, during those years, there were no problems with the Nicaraguan Army and that he always navigated without restrictions of any kind, at any time of the day or night. He adds that he neither had to leave the vessel to show the Costa Rican departure certificate or carry out any immigration procedures. When the civil war broke out in Nicaragua, he continued navigating despite the fact that it was dangerous. During that period, he never had problems of any kind. He states that, in fact, he did not even have to show the Costa Rican right of sail. Instead, he continued his course uninterruptedly from Barra del Colorado all the way to Puerto Viejo de Sarapiquí. He says that he retired from active navigation and from his duties as vessel captain at the beginning of the nineteen nineties, and that until then, no restrictions or requirements were ever imposed on his navigation on the river. He states that he has found out that in the recent years the Nicaraguans have imposed a large number of requirements such as tax payments, and the bearing of the passport and the visa, and that for these reasons, almost nobody can navigate the San Juan River and communication between Barra del Colorado and Puerto Viejo de Sarapiquí has been affected. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign in San José at the ten hours and five minutes on the first day of February of two thousand and six. ——————————

———————————— ILLEGIBLE ————————————

— T.V.M. ————————————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SIXTY-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND FOUR FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SESENTA-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, comparece el señor **WILTON HODGSON HODGSON**, de nacionalidad costarricense, mayor de edad, de profesión capitán de barco retirado, vecino de Barra del Colorado, de Limón, con cedula de identidad numero **ocho – cero cuarenta y seis – novecientos noventa y nueve**, quien advertido de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: PRIMERO: Que el primer viaje que realizó a través de Río San Juan, fue en el año mil novecientos cincuenta y ocho, cuando realizaba cabotaje de Barra del Colorado hacia Puerto Viejo de Sarapiquí, navegando a partir de ese momento con una periodicidad de una o dos veces al mes hasta el año mil novecientos setenta y cinco, cuando comenzó a trabajar para el hotel Río Colorado Lodge. A partir de ese momento y como parte de sus funciones en el Hotel, realizaba un tour denominado Jungla Tour, que iba de Barra del Colorado en territorio costarricense hacia Delta Costa Rica y de ahí a Boca de Sarapiquí, para finalizar en Puerto viejo de Sarapiquí, también en territorio costarricense, transportando sus pasajeros por el Río San Juan únicamente para llevarlos de un punto al otro. Este tour se realizaba unas dos o tres veces por semana. SEGUNDO: Dice que cuando comenzó a navegar el rio San Juan para trasladarse de una localidad costarricense a otra, el único trámite necesario era sacar un zarpe en territorio costarricense, generalmente en Barra del Colorado, para efectos de que "se supiera de donde veníamos" y dicho zarpe se mostraba en Delta Nicaragua para que ellos lo verificaran, se seguía por el Río San Juan hasta el puesto del Ejército Nicaragüense en Boca del Sarapiquí donde se volvía a verificar el documento, de allí hacia su salida del río San Juan ingresando al río Sarapiquí y de ahí hasta Puerto Viejo de Sarapiquí. De regreso de Puerto Viejo de Sarapiquí a Barra del Colorado, primero se sacaba el zarpe en el puesto costarricense de Boca de Sarapiquí, el cual luego se mostraba nuevamente en los puestos nicaragüenses siguiendo el mismo procedimiento para luego dirigirse a la Barra del Colorado. TERCERO: En los primero años de su navegación, él trasladaba coco y pasajeros en un bote costarricense de Barra del Colorado a Puerto Viejo de Sarapiquí, lo cual necesariamente se hacía a través del río San Juan, ya que no había otra vía de comunicación. Posteriormente se dedicó al transporte de personas, como ha indicado, para el Río Colorado Lodge. Recuerda que durante todos esos años no existían problemas con el Ejército Nicaragüense y que siempre navegó sin que existieran limitaciones de ninguna especie, a cualquier hora del día o la noche, tampoco debía abandonar la embarcación para presentar el reporte del zarpe costarricense, ni hacer registros migratorios. Cuando se produjo la guerra civil en Nicaragua,

manifiesta que aunque era peligroso, él siguió navegando, y que durante ese periodo nunca tuvo problemas de ninguna especie. Manifiesta que de hecho ni siquiera tenía que mostrar el zarpe costarricense, sino que continuaba su rumbo continuo desde Barra del Colorado hasta Puerto Viejo de Sarapiquí. Dice que se retiró de la navegación activa y como capitán de embarcación a principios de la década de los años noventa, y que hasta ese entonces, nunca se le impusieron restricciones ni requisitos de ninguna especie. Manifiesta que se ha enterado que en los últimos años los nicaragüenses han impuesto una gran cantidad de requisitos, como el pago de impuestos y la portación de pasaporte y visa, y que por esa razón ya casi nadie puede navegar por el río San Juan, y la comunicación entre Barra del Colorado y Puerto Viejo de Sarapiquí se ha afectado. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en San José, a las diez horas con cinco minutos del día primero de febrero de dos mil seis.**********************
**********************ILEGIBLE**********************T.V.M.************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SESENTA-UNO INICIADA AL FOLIO CIENTO CUATRO FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 97

AFFIDAVIT OF JAVIER SANCHO BONILLA
DEED NO. 162-1, 8 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SIXTY-TWO – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public in and for the city of San José, appeared Mr. **JAVIER SANCHO BONILLA**, Costa Rican, of legal age, career diplomat, habitual resident of San José, currently residing in the city of Washington, D.C., United States of America, where he is the ambassador and the permanent representative of Costa Rica to the Organization of American States, with national identification card number **one – three hundred and seventy – eight hundred and nineteen,** who, having been warned about the penalties established by law in the Penal Code for the crimes of perjury and ideological forgery, states, under oath: FIRST: that at the request of the Minister of Foreign Affairs and Worship, and by executive agreement of the Government of Costa Rica, he was instructed to meet with the ambassador and special advisor to the Minister of Foreign Affairs of Nicaragua, Dr. Mauricio Herdocia Sacasa, which he did on the seventeenth, eighteenth and nineteenth of August in the year two thousand and five in the city of Rio de Janeiro of the Federative Republic of Brazil, given that Dr. Herdocia Sacasa was attending the annual meeting of the Inter-American Juridical Committee of the Organization of American States in Rio de Janeiro, of which he is a member. SECOND: He continues stating that they met four times during his visit and that the purpose of these meetings was to seek an agreement to settle the existing differences between Costa Rica and Nicaragua regarding the Costa Rican navigation rights on the San Juan River. THIRD: He continues stating that, according to the instructions of the Government of Costa Rica, he proposed the following to Dr. Herdocia: One: to seek an international arbitration whose resolution would be accepted by both parties. Two: to jointly call upon to a Chamber of the United Nations International Court of Justice with the purpose of requesting an abbreviated legal action to settle the dispute regarding the navigation on the San Juan River. He explained to Dr. Herdocia that Costa Rica, being a country respectful of International Law and the resolutions and principles of the United Nations Organization, did not wish to come into conflict with the Republic of Nicaragua on this matter, and, consistent with his actions taken on the twenty-sixth of September in the year two thousand and two, when the Declaration of La Garita of Alajuela was signed, our main interest was to maintain the most cordial relations of friendship and cooperation with his country. FOURTH: He continues stating that Dr. Herdocia expressed that none of the proposed formulas would be accepted by his Government because his country considered that this is an issue already resolved. Likewise, he indicated that only formula that his Government could accept on this matter would be to extend either indefinitely or for a term of up to tree additional year as of the twenty-sixth of September in the year two thousand and five, the aforementioned Declaration of the year two thousand and two. He states that, in short, he did not perceive any manifestation of flexibility from his counterpart toward the proposals that were presented to him, as instructed by the Government of Costa Rica, within a climate of ample cordiality and sincerity, since he even allowed himself to point out to Dr. Herdocia-Sacasa that, in view of the fact that the term of the Declaration signed by Ministers Tovar Faja and Caldera Cardenal in La Garita de Alajuela on the twenty-sixth of September in the year two thousand and two would expire within the coming weeks, his country would exercise its full sovereign right of calling upon the appropriate channels within the International Law to settle the conflict between the two countries regarding the navigation on the San Juan River and the other rights to which Costa Rica is entitled pursuant to the pertaining international instruments. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign in the city of San José at the sixteen hours and ten minutes on the eighth day of February of the year two thousand and six. ————————————

——————————————————————————J.S.B ————

———————— T.V.M. ——————————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SIXTY-TWO-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND SIX FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (iliegible signature)

NÚMERO CIENTO SESENTA Y DOS-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Púbica de San José, comparece el señor **JAVIER SANCHO BONILLA**, de nacionalidad costarricense, mayor de edad, de profesión Diplomático de carrera, vecino de San José, y actualmente con residencia en la ciudad de Washington D. C., Estados Unidos de América, donde se desempeña como Embajador, Representante Permanente de Costa Rica ante la Organización de los Estados Americanos, con cedula de identidad numero **uno – trescientos setenta – ochocientos diecinueve**, quien advertido de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: **PRIMERO:** Que a solicitud del Ministro de Relaciones Exteriores y Culto y por acuerdo ejecutivo del Gobierno de Costa Rica, se le designó para reunirse con el Embajador y Asesor Especial del Ministro de Relaciones Exteriores de Nicaragua, Dr. Mauricio Herdocia Sacasa, lo cual hizo los días diecisiete, dieciocho y diecinueve de agosto del año dos mil cinco en la ciudad de Río de Janeiro, República Federativa del Brasil, en vista que el Dr. Herdocia Sacasa atendía la reunión anual del Comité Jurídico Interamericano de la Organización de Estados Americanos, de la cual forma parte. **SEGUNDO:** Sigue manifestando que sostuvieron reuniones en cuatro ocasiones durante su visita y que el propósito era buscar un entendimiento para dirimir las diferencias existentes entre Costa Rica y Nicaragua sobre los derechos de navegación de Costa Rica en el Río San Juan. **TERCERO:** Continúa manifestando que de acuerdo a las instrucciones recibidas del Gobierno de Costa Rica, le propuso al Dr. Herdocia lo siguiente: Uno: Buscar un arbitraje internacional cuya resolución fuese aceptada por ambas partes. Dos: Acudir en forma conjunta a una Sala de la Corte Internacional de Justicia de las Naciones Unidas, a fin, de común acuerdo, solicitar un proceso abreviado que permitiera dirimir la controversia sobre la navegación en el Río San Juan. Explicó al Dr. Herdocia que Costa Rica como país respetuoso del Derecho Internacional y de las resoluciones y principios de la Organización de las Naciones Unidas no deseaba entrar en un conflicto con la República de Nicaragua sobre este particular, y que como lo había hecho desde el veintiséis de setiembre del dos mil dos, cuando se suscribió la Declaración de la Garita de Alajuela, nuestro interés prioritario era el de mantener las más cordiales relaciones de amistad y cooperación con su país. **CUARTO:** Sigue manifestando que el Dr. Herdocia le expresó que ninguna de las fórmulas propuestas podrían ser de la aceptación de su Gobierno, ya que su país consideraba que ese era un tema ya resuelto. Asimismo, le indicó que la única fórmula que su Gobierno podría aceptar en este tema sería la de prorrogar de forma indefinida o bien, hasta por un

plazo de tres años adicionales, contados a partir del veintiséis de setiembre de dos mil cinco, la referida Declaración del año dos mil dos. Manifiesta que, en resumen, no encontró en su interlocutor ningún gesto de flexibilidad para las propuestas que bajo las instrucciones del Gobierno de Costa Rica le formuló, dentro de un ambiente de amplia cordialidad y sinceridad, ya que incluso se permitió también señalarle al Dr. Herdocia Sacasa que en vista que el plazo de la Declaración suscrita por los Cancilleres Tovar Faja y Caldera Cardenal, en la Garita de Alajuela el veintiséis de setiembre de dos mil dos vencería en las próximas semanas, que su país en ejercicio soberano del derecho que le asiste buscaría los canales apropiados dentro del Derecho Internacional para dirimir en su oportunidad el conflicto entre ambos países sobre la navegación en el Río San Juan y los otros derechos de Costa Rica de conformidad con los instrumentos internacionales pertinentes. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en San José, a las dieciséis horas con cuarenta minutos del día ocho de febrero de dos mil seis.**********
**************************J.S.B.***************************T.V.M.*********************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SESENTA Y DOS-UNO INICIADA AL FOLIO CIENTO SEIS FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 98

AFFIDAVIT OF ANA GABRIELA MAZARIEGOS ZAMORA
DEED NO. 164-1, 14 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SIXTY-FOUR – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public in and for the city of San José, appeared Miss **ANA GABRIELA MAZARIEGOS ZAMORA**, Costa Rican, of legal age, general practitioner, resident of Curridabat, San José, national identification card number **one – one thousand and twelve – zero seven hundred and seventy**, who, having been warned about the penalties established by law in the Penal Code for the crimes of perjury and ideological falsity, declares under oath: FIRST: That between the third of February in the year two thousand and five and the third of February in the year two thousand and six, she did medical community work as a doctor of the Costa Rican National Health System in the area of Pital de San Carlos and that she also served the bordering communities of Boca de San Carlos and La Cureña, whose residents are mostly Nicaraguan. SECOND: That her work consisted mainly in providing integral medical assistance to adults, adolescents and children. That her work also implied the transportation of basic medical equipment and medications in order to be able to provide such assistance. THIRD: She continues stating that the bordering community of La Cureña, with approximately sixty residents, is difficult to access and that the only way to get there is through the San Juan River because roads are virtually non-existent. FOURTH: That in her personal experience, she visited La Cureña on four occasions, departing from Boca de San Carlos. She states that, at the beginning of each journey, they were forced to stop at the border with Nicaragua where they had to report to the army of that country, a requirement that they always complied with but for which they were never charged any fees. They had to report themselves again on their way back from La Cureña to Boca

de San Carlos. She states that, as of the month of October in the year two thousand and five, they had to suspend their visits to La Cureña due to the obstacles imposed by the Nicaraguan authorities that hindered the navigation of Costa Ricans on the San Juan River. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, she approved it, and we both sign in San José at the nine hours and twenty minutes of the fourteenth day of February of the year two thousand and six. ———

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ILLEGIBLE ——————————————— T.V.M. ———

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THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SIXTY-FOUR-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND SEVEN FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SESENTA Y CUATRO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, comparece la señorita **ANA GABRIELA MAZARIEGOS ZAMORA**, de nacionalidad costarricense, mayor de edad, de profesión médico general, vecina de Curridabat, San José, con cedula de identidad numero **uno – mil ciento doce – cero setecientos setenta**, quien advertida de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: **PRIMERO:** Que entre el tres febrero de dos mil cinco y el tres de febrero de dos mil seis, realizó su servicio social como médico de la Caja Costarricense del Seguro Social para la zona de Pital de San Carlos, lo cual comprendía también los pueblos fronterizos de Boca de San Carlos y La Cureña, cuyos habitantes son en su mayoría de origen nicaragüense. **SEGUNDO:** Que su trabajo consistía en dar atención médica integral para adultos, adolescentes y niños, lo cual implicaba también el traslado del equipo médico básico necesario y medicinas para brindar dicha atención. **TERCERO:** Sigue manifestando que el pueblo fronterizo de La Cureña, compuesto por unas sesenta personas, es de muy difícil acceso, y que la única forma de llegar allí es por el Río San Juan, pues los caminos son prácticamente inexistentes. **CUARTO:** Que en su experiencia personal, visitó La Cureña en cuatro oportunidades, para lo cual hacía su travesía desde Boca de San Carlos. Manifiesta que al iniciar la travesía eran obligados a parar en el borde fronterizo nicaragüense y reportarse con el ejército de ese país, lo cual hacían pero que no se les cobraba. Dicho reporte debían hacerlo nuevamente a su regreso de La Cureña a Boca de San Carlos. Dice que a partir del mes de Octubre de dos mil cinco, hubo que suspender las giras a la localidad de La Cureña, en vista de los problemas que las autoridades nicaragüenses imponen para la navegación de costarricenses en el Río San Juan. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en San José, a las nueve horas con veinte minutos del día catorce de febrero de dos mil seis.***

***********************ILEGIBLE**********************T.V.M.**************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SESENTA Y CUATRO-UNO INICIADA AL FOLIO CIENTO SIETE FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 99

AFFIDAVIT OF KATTIA PATRICIA CORRALES BARBOZA
DEED NO. 167-1, 16 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SIXTY SEVEN – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San Jose, and passing through the town of Pital de San Carlos, appears Mrs. **KATTIA PATRICIA CORRALES BARBOZA**, of Costa Rican nationality, of legal age, Director of Pital's Health Area, resident of Pital de San Carlos, holder of identity card number **one – seven hundred and nine – zero ninety five,** who, having been warned of the penalties imposed by law in the Penal Code for the crimes of perjury and ideological falsity, declares under the knowledge of the law: FIRST: That she has been working for about eight years for the Health Areas of Pital and Aguas Zarcas, that includes the towns of Boca de San Carlos, Boca Cureña and Chorreras, which are towns located on the banks of the San Juan River on Costa Rican soil, and that have a large Nicaraguan immigrant population. SECOND: She states that doctors and officials from the Costa Rican Social Security Institution have always navigated the San Juan River in order to travel to the towns of Boca Cureña and Chorreras, given that there are no adequate roads to these towns. She points out that the Nicaraguans did not charge for this navigation, although they did have to report to the Nicaraguan post. THIRD: She states that, due to the problems being encountered regarding navigation on the San Juan River, and with the purpose of protecting the physical integrity of the health officials, given that the Nicaraguan authorities have arrested Costa Ricans navigating this waterway, the decision was made to suspend the transportation of officials via this river to the communities of Boca Cureña and Chorreras as of the month of November in the year two thousand and five. This decision has, on the whole, affected the healthcare provided for these towns. That is all. I issue a first testimony hereof. Having read the above to the deponent, she approves it and we both sign in Pital de San Carlos at eight hours and fifty minutes on sixteen February of two thousand and six. ——— ——— ILLEGIBLE ——— ——— T.V.M. ———THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SIXTY-FOUR-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND SEVEN FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SESENTA Y SIETE-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Pital de San Carlos, comparece la señora **KATTIA PATRICIA CORRALES BARBOZA**, de nacionalidad costarricense, mayor de edad, Directora del Area de Salud de Pital, vacina de Pital de San Carlos, con cedula de identidad numero **uno – setecientos nueve – cero noventa y cinco**, quien advertida de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: PRIMERO: Que tiene unos ocho años de desempeñarse en las Areas de Salud de Pital y Agua Zarcas, que incluye los poblados de Boca de San Carlos, Boca Cureña y Chorreras, poblados que se localizan en las márgenes del Río San Juan en territorio costarricense, compuestos por una alta población inmigrante nicaragüense. SEGUNDO: Dice que desde siempre los médicos y funcionarios de la Caja Costarricense del Seguro Social navegaron el Río San Juan para poder trasladarse a los poblados de Boca Cureña y Chorreras, en vista que no hay vías adecuadas para poder trasladarse allí. Indica que los nicaragüenses no cobraban por esa navegación, aunque sí debían reportarse en el puesto nicaragüense. TERCERO: Manifiesta que a raíz de los problemas que se enfrentan por la navegación en el Río San Juan, y con el objeto de proteger la integridad física de los funcionarios de salud, dado que las autoridades nicaragüenses han detenido costarricenses navegando por esa vía, a partir del mes de noviembre del año dos mil cinco se decidió suspender el traslado de funcionarios por ese río a las comunidades de Boca Cureña y Chorreras, lo que en general, ha afectado la cobertura de salud de esos poblados. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Pital de San Carlos, a las ocho horas y cincuenta minutos del dieciséis de febrero de dos mil seis.***

**********************ILEGIBLE*********************T.V.M.****************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SESENTA Y SIETE-UNO INICIADA AL FOLIO CIENTO OCHO VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 100

AFFIDAVIT OF SANDRA DÍAZ ALVARADO
DEED NO. 168-1, 16 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SIXTY EIGHT – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San Jose, and passing through the town of Pital of San Carlos, appears Mrs. **SANDRA DIAZ ALVARADO**, of Costa Rican nationality, of legal age, a secretary of the EBAIS of Saino de Pital, a resident of the same, identity card number **two – five hundred and forty three – eight hundred and eighty four**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That for about eight years she has been providing services for the Costa Rican Social Security Institution in the Health Area of Pital and Agua Zarcas, that includes the towns of Boca de San Carlos, Boca Cureña and Chorreras, which are located on the banks of the San Juan River on Costa Rican territory. SECOND: That, according to her duties, she personally made health care visits to the towns of Boca Cureña and Chorreras, travelling there via the San Juan River. She states that the Nicaraguan Army did not charge for this navigation, although they were required to report to that post. She, likewise, knows that navigation timetables are imposed, and that restrictions are applied in particular to the area's Costa Rican residents, since they are not allowed to fish in the River and their belongings are searched to see if they are carrying fish or shrimp. She states that the Nicaraguans living on the Costa Rican side do not encounter problems when navigating. THIRD: She declares that, due to the problems faced by Costa Ricans when navigating, officials from the Costa Rican Social Security Institution can no longer travel to the Boca de Cureña community, which has meant placing the health of these inhabitants at risk, especially that of children for whom adequate follow-up to prenatal controls, vaccination and disease prevention cannot be provided. Adults also encounter problems in receiving basic health services due to the fact that they are in very poor areas and do not have the means to travel to receive medical care in the region's health centres. Should an emergency arise during the afternoon or evening they cannot travel due to the night-time navigation prohibition, which makes these inhabitants very vulnerable. That is all. I issue a first testimony. Having read the above to the deponent, she approves it and we both sign in Pital de San Carlos at nine hours and thirty minutes on sixteen February of two thousand and six. ——— ILLEGIBLE —

——— T.V.M. ———

—THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SIXTY-EIGHT-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND EIGHT REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SESENTA Y OCHO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Pital de San Carlos, comparece la señora **SANDRA DÍAZ ALVARADO**, de nacionalidad costarricense, mayor de edad, secretaria del EBAIS de Saíno de Pital, vecina del mismo lugar, con cedula de identidad numero **dos –quinientos cuarenta y tres–ochocientos ochenta y cuatro**, quien advertida de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene unos ocho años de desempeñar servicios para la Caja Costarricense del Seguro Social del Area de Salud de Pital y Agua Zarcas, que incluye los poblados de Boca de San Carlos, Boca Cureña y Chorreras, poblados que se localizan en las márgenes del Río San Juan en territorio costarricense. SEGUNDO: Dice que, en razón de sus funciones, personalmente realizó visitas de salud a los poblados de Boca Cureña y Chorreras, para lo cual se trasladó navegando el Río San Juan. Manifiesta que el Ejército nicaragüense no les cobraba por esa navegación, aunque sí debían reportarse en ese puesto. Sabe asimismo, que se imponen horarios de navegación, y que en particular se le aplican restricciones a los pobladores costarricenses del lugar, pues no los dejan pescar en el Río y les revisan sus pertenencias para verificar si transportan pescado o camarones. Manifiesta que a los nicaragüenses que viven del lado costarricense no tienen problemas para navegar. TERCERO: Dice que a raíz de los problemas que los costarricenses tienen para navegar, ya los funcionarios de la Caja Costarricense del Seguro Social no pueden trasladarse a la comunidad de Boca de Cureña, lo que ha significado poner en riesgo la salud de esas poblaciones, sobre todo de los niños y niñas, a quienes no se les puede dar seguimiento adecuado de los controles prenatales, vacunación y prevención de enfermedades. Igualmente que las personas adultas enfrentan problemas para recibir servicios de salud básicos, en vista que son poblaciones muy pobres que no tienen los medios para trasladarse a recibir atención médica en los centros de salud de la región. En los casos en que ocurra una emergencia en horas de la tarde o noche, no pueden trasladarse en vista de la prohibición de navegación en horas de la noche, lo que hace muy vulnerable a esas poblaciones. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Pital de San Carlos, a las nueve horas y treinta minutos del dieciséis de febrero de dos mil seis.****** ***********************ILEGIBLE**********************T.V.M.******************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SESENTA Y OCHO-UNO INICIADA AL FOLIO CIENTO OCHO VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 101

AFFIDAVIT OF DIANE GÓMEZ BUSTOS
DEED NO. 169-1, 16 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SIXTY NINE – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San Jose, and passing through the town of Boca de San Carlos, appears Mrs. **DIANE GOMEZ BUSTOS**, of Costa Rican nationality, of legal age, a teacher in Boca Rio Cureña, Pital, San Carlos, a resident of the same area, identity card number **five – two hundred and sixty eight – six hundred and thirty seven**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That she has been working for about six years as a primary school teacher in Boca Rio Cureña on the banks of the San Juan River on Costa Rican territory. SECOND: That, on account of her duties, the only way of travelling to and from Boca Rio Cureña is via the San Juan River, in particular when she must attend training and planning meetings, visit relatives or attend to any other matter. THIRD: She states that, on occasion, she has not, especially in the afternoons, been allowed to travel along the San Juan River, from Boca de San Carlos to her place of work in Boca Rio Cureña, which has prevented her from beginning classes on time at the school where she teaches. FOURTH: She continues to declare that, on occasion, she has been subjected to mistreatment, such as that which occurred on the nineteenth of December, two thousand and five, when a high ranking officer reprimanded one of the officials for not carrying out exhaustive searches of the belongings of the Costa Rican passengers on the vessels transporting them, resulting in them searching all her belongings on that day. Likewise, she knows that the children who have to navigate the San Juan River to go to the secondary school in Boca de San Carlos have to stop on the Nicaraguan side and hand over their backpacks with their school equipment, which are subjected to close scrutiny. FIFTH: She continues to declare that, on another occasion, she was witness to Nicaraguan Army officers forcing a boatman who was going to pick her up, to get them food, in order to be allowed to navigate the San Juan River. On another occasion, the said officers made her personally present a list of the people who were being transported by a Costa Rican vessel on the San Juan River that day. SIXTH: She continues to declare that, at the end of last year, all Costa Rican residents were obliged to fly the Nicaraguan flag on the vessels for them to be allowed to navigate the San Juan River. She states they have never charged her for navigating and she does not know whether there is a charge for the right of sail. SEVENTH: She states that the entire Costa Rican community in the San Juan River area live in constant fear due to the threatening and disrespectful manner in which they are treated by the Nicaraguan Army at the post they have at Boca de San Carlos. That is all. I issue a first testimony hereof. Having read the above to the deponent, she approves and we both sign in Pital de San Carlos at twelve hours and thirty minutes on sixteen February of two thousand and six. —————————————————————— ————

ILLEGIBLE ———————————— T.V.M. ————————

————————THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SIXTY-NINE-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND NINE FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SESENTA Y NUEVE-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, comparece la señora **DIANE GOMEZ BUSTOS**, de nacionalidad costarricense, mayor de edad, maestra de Boca Río Cureña, Pital, San Carlos, vecina del mismo lugar, con cedula de identidad numero **cinco – doscientos sesenta y ocho – seiscientos treinta y siete**, quien advertida de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene unos seis años de desempeñarse como maestra de primaria de Boca Río Cureña, que se localiza en las márgenes del Río San Juan en territorio costarricense. SEGUNDO: Dice que, en razón de sus funciones, la única forma de trasladarse de y hacia Boca Río Cureña es por el Río San Juan, en particular cuando debe atender reuniones de capacitación y planeamiento, visitar familiares o cualquier otro asunto que deba atender. TERCERO: Manifiesta que en algunas ocasiones, particularmente en las tardes, se le ha prohibido trasladarse por el Río San Juan, de Boca de San Carlos a su lugar de trabajo en Boca Río Cureña, lo que le ha impedido iniciar a tiempo las lecciones en la escuela donde imparte lecciones. CUARTO: Sigue manifestando que en ocasiones ha sido sometida a malos tratos, como el que le ocurrió el día diecinueve de diciembre del dos mil cinco, cuando un oficial superior regañó a uno de los oficiales por no hacer registros exhaustivos de las pertenencias de los pasajeros costarricenses de las embarcaciones que los transportaban, por lo que ese día le registraron todas sus pertenencias. Asimismo sabe que en ocasiones a los niños que deben trasladarse a la secundaria localizada en Boca de San Carlos, navegando el Río San Juan, les exigen parar del lado nicaragüense y deben entregar sus bultos donde llevan sus implementos educativos, los cuales son objeto de intensos registros. QUINTO: Sigue declarando que en otra ocasión, le consta que a un botero que iba a recogerla los oficiales del Ejército Nicaragüense para permitirle la navegación por el Río San Juan lo obligaron a llevarles comida. En otra ocasión, a ella personalmente dichos oficiales le obligaron a entregarles una lista de las personas que ese día eran transportados por una embarcación costarricense en el Río San Juan. SEXTO: Continúa declarando que a finales del año pasado se les obligó a todos los vecinos costarricenses portar la bandera nicaragüense en las embarcaciones para permitirles la navegación por el Río San Juan. Dice que nunca le han cobrado por navegar y no sabe si hay que pagar por el zarpe. SEPTIMO: Manifiesta que toda la comunidad costarricense en la zona del Río San Juan vive en constante temor a raíz de la forma amenazante e irrespetuosa como son tratados por parte del Ejército Nicaragüense en el puesto que tienen en Boca de San Carlos. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Pital de San Carlos, a las doce horas y treinta minutos del dieciséis de febrero de dos mil seis.***

**********************ILEGIBLE*********************T.V.M.*****************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SESENTA Y NUEVE-UNO INICIADA AL FOLIO CIENTO NUEVE FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 102

AFFIDAVIT OF LUIS YANAN COREA TORRES
DEED NO. 171-1, 16 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SEVENTY-ONE – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San Jose, and passing through the town of Boca de San Carlos, appears Mr. **LUIS YANAN COREA TORRES**, of Costa Rican nationality, of legal age, a teacher in Boca Rio San Carlos, a resident of the same, bearing identity card number **five – three hundred and three – two hundred and twenty four**, and who, having been warned of the penalties imposed by the law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has been working as a primary school teacher at the Boca Rio San Carlos School located on the banks of the San Juan River on Costa Rican territory for over a year. SECOND: That, on account of his duties as a teacher, he navigates along the San Juan River on a regular basis, and that on one occasion when he was in a boat that was flying the Costa Rican flag navigating along the San Juan River a Nicaraguan Army vessel approached them at full speed, and members of that country's Army pointed their machine guns at them, blocking their way. Following this they boarded the boat and searched the vessel and their belongings. THIRD: He also declares that at the Nicaraguan Army post at Boca de San Carlos, he has seen military weapons aimed at Costa Rican territory, and that when he has had to report to the said post to be allowed to navigate, they have, on occasion, pointed machine guns at him. FOURTH: He declares that they have never charged him for this navigation. Likewise, he knows that, on numerous occasions, Costa Ricans have been the object of abuse, such as having their belongings confiscated and having to pay bribes to avoid being arrested or to allow them to navigate. He states that the Costa Ricans living in the area are terrified and that many of them are frightened of reporting abuses by the Nicaraguan Army for fear of retaliation. That is all. I issue a first testimony hereof. Having read the above to the deponent, he approves it and we both sign in Pital de San Carlos at fifteen hours and five minutes on sixteen February of two thousand and six. ———

——— ILLEGIBLE ———

——— T.V.M. ———THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SEVENTY-ONE-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND TEN FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SETENTA Y UNO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, comparece el señor **LUIS YANAN COREA TORRES**, de nacionalidad costarricense, mayor de edad, maestro de Boca Río San Carlos, vecino del mismo lugar, con cedula de identidad numero **cinco – trescientos tres – doscientos veinticuatro**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene poco más de un año de desempeñarse como maestro de primaria en la Escuela de Boca Río San Carlos que se localiza en las márgenes del Rio San Juan en territorio costarricense. SEGUNDO: Dice que, en razón de sus funciones como maestro navega con alguna regularidad por el Río San Juan, indicando que en una ocasión cuando se encontraba en un bote de bandera costarricense navegando por el Río San Juan, una embarcación del ejército nicaragüense se les acercó a toda velocidad, y miembros del Ejército de ese país los encañonaron con ametralladoras, cortándole el paso. Posteriormente fueron abordados y registrada la embarcación y sus pertenencias. TERCERO: Sigue declarando que en el puesto del Ejército Nicaragüense en Boca de San Carlos, ha observado armamento militar dirigido a tierra costarricense, y que cuando ha tenido que reportarse en dicho puesto para poder navegar, en algunas ocasiones le han apuntado con ametralladoras. CUARTO: Manifiesta que nunca le han cobrado por esa navegación. Sabe asimismo, que en múltiples ocasiones costarricenses han sido objeto de abusos, como el decomiso de pertenencias y el pago de sobornos para evitar ser detenidos o que se les permita la navegación. Dice que la población costarricense en el área se siente atemorizada y que muchos de ellos tienen temor de reportar abusos por parte del Ejército Nicaragüense en razón que podrían recibir represalias. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Pital de San Carlos, a las quince horas y cinco minutos del dieciséis de febrero de dos mil seis.***********************

**********************ILEGIBLE*********************T.V.M.*****************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SETENTA Y UNO-UNO INICIADA AL FOLIO CIENTO DIEZ FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 103

AFFIDAVIT OF RUBEN LAO HERNÁNDEZ
DEED NO. 172-1, 17 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SEVENTY-TWO – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San Jose, and passing through Puerto Viejo de Sarapiqui, appears Mr. RUBEN LAO HERNANDEZ, of Costa Rican nationality, of legal age, retired, a resident of Union del Toro de Sarapiqui, bearing identity card number **seven – zero twenty one – three hundred and twenty one**, who, having been warned of the penalties imposed by the law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That, since the age of nine, over sixty five years ago, he has navigated the San Juan River on a regular basis, in the beginning accompanying his father who transported merchandise from Barra del Colorado to Boca de la Ceiba de Sarapiqui. He states that, at that time, most navigation was undertaken by rowing, and that the San Juan River was used for transporting both merchandizes and people between the towns that existed at the time, such as La Virgen de Sarapiqui, Barra del Colorado and the San Juan del Norte Port. He states that, years later, those who required transportation normally used that provided by the banana company, which took them to and from the mouth of the Sucio and Sarapiqui Rivers to Barra del Colorado. He declares that the Nicaraguan authorities never imposed time restrictions and nor did they search the vessels or require payment of taxes. He does remember that they had to pay a departure clearance to the Costa Rican authorities for navigating the rivers of Costa Rica, but that they did not have to pay it to Nicaragua. He goes on to state that Nicaragua began to ask for the payment of a departure clearance when the Sandinistas came to power, a time when, in addition, restrictions regarding navigation were imposed and it was very dangerous due to the war. SECOND: He declares that tourists were transported from Sarapiqui to Barra del Colorado along the San Juan River around the mid nineteen seventies, and that he personally also transported tourists from Sarapiqui to Barra del Colorado from the year nineteen seventy nine to the year two thousand and two without ever encountering any problems. THIRD: That, in his experience, there were never any incidents or limitations to the navigation of Costa Ricans along the river and nor were they ever required to pay migration rights of any kind or to fly the Nicaraguan flag until the Sandinistas came to power. After the end of the Nicaraguan counterrevolution, around the year nineteen eighty eight, navigation along the San Juan River returned to normal, and he did not encounter any problems navigating, even at night. FOURTH: He states that before the problems that arose regarding police navigation in nineteen ninety eight, there had been some incidents, but on the whole one could navigate freely, and that, after the problem with the Nicaraguans, these became more frequent. FIFTH: He states that, from nineteen sixty six, he was a member of the Costa Rican Revenue Service for a period of six years and that they frequently carried out police navigation with their normal arms and uniforms along the San Juan River, both investigating incidents on properties and controlling smuggling and the perpetration of crimes in the area, and he declares that they never had any problems with the Nicaraguan authorities, who never requested permits or prohibited their navigation. That is all. I issue a first testimony hereof. Having read the above to the deponent, he approves and we both sign in Puerto Viejo de Sarapiqui at ten hours and twenty minutes of seventeen February of two thousand and six. ——————————————

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ILLEGIBLE——————————T.V.M.——————————

——————THE FOREGOING TEXT IS A TRUE COPY OF DEED

NUMBER ONE HUNDRED AND SEVENTY-TWO-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND TEN REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SETENTA Y DOS-UNO: Ante mi **TATIANA VARGAS MASÍS,** Notaria Pública de San José, y de paso por Puerto Viejo de Sarapiquí, comparece el señor RUBEN LAO HERNANDEZ, de nacionalidad costarricense, mayor de edad, retirado, vecino de la Unión del Toro de Sarapiquí, con cedula de identidad numero **siete – cero veintiuno – trescientos veintiuno**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que desde la edad de nueve años, hace más de sesenta y cinco años, navega de forma regular por el río San Juan, al principio acompañando a su papá quien se dedicaba a transportar mercaderías de Barra del Colorado a la Boca de la Ceiba de Sarapiquí. Dice que en esa época la mayoría de la navegación se debía hacer remando, y que el Río San Juan se utilizaba tanto para el transporte de mercaderías como para trasladarse las personas entre los centros de población que en aquel tiempo existían, como La Virgen de Sarapiquí, Barra del Colorado y el Puerto de San Juan del Norte. Manifiesta que años después, normalmente la gente que necesitaba trasladarse lo hacía por medio del transporte que ofrecía la compañía bananera, que los llevaba y traía de la boca del Río Sucio y el Río Sarapiquí hasta Barra del Colorado. Dice que nunca las autoridades nicaragüenses les impusieron horarios, ni les registraban las embarcaciones, ni debían pagar impuestos. Si recuerda que debían pagar un zarpe a las autoridades costarricenses por la navegación en los ríos de Costa Rica, pero que no debían pagarlo a Nicaragua. Continúa manifestando que Nicaragua empezó a pedir el pago de un zarpe cuando los Sandinistas llegaron al poder, tiempo en que además se imponían restricciones a la navegación y era muy peligroso por la guerra. SEGUNDO: Declara que se hacía transporte de turistas de Sarapiquí a Barra del Colorado, por el Río San Juan, aproximadamente a mediados de los años mil novecientos setenta, y que él personalmente transportó turistas desde el año de mil novecientos setenta y nueve hasta el año dos mil dos, también de Sarapiquí a Barra del Colorado, sin que nunca hubiera ningún problema. TERCERO: Que según su experiencia, hasta que los Sandinistas llegaron al poder nunca existieron incidentes ni limitaciones a la navegación de costarricenses por el río y que tampoco les exigían el pago de derechos migratorios de ningún tipo, ni tampoco había que llevar bandera nicaragüense. Después que terminó la contrarrevolución en Nicaragua, por el año de mil novecientos ochenta y ocho, la navegación por el río San Juan se normalizó, y que a él no le hacían problemas para navegar, inclusive de noche. CUARTO: Manifiesta que antes de los problemas que existieron para la navegación de policías en mil novecientos noventa y ocho, habían ocurrido unos incidentes, pero que generalmente se podía navegar con libertad, y que a partir del problema con los nicaragüenses empezaron a incrementarse. QUINTO: Dice que formó parte del resguardo fiscal costarricense de por un período de seis años a partir de mil novecientos sesenta y seis, y que realizaban navegación policial frecuente con las armas y sus uniformes de reglamento por el Río San Juan, tanto investigando incidentes en fincas como el control de contrabandos y la comisión de otros delitos en la zona, indicando que nunca tuvieron problemas con las autoridades nicaragüenses, quienes nunca les pidieron permisos ni les prohibieron esa navegación. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, quien lo aprueba y juntos firmamos en Puerto Viejo de Sarapiquí a las diez horas con veinte minutos del diecisiete de febrero de dos mil seis.**

**********************ILEGIBLE*********************T.V.M.*******************************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SETENTA Y DOS-UNO INICIADA AL FOLIO CIENTO DIEZ VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME. LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUES DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 104

AFFIDAVIT OF WALTER NIEHAUS BONILLA
DEED NO. 173-1, 23 FEBRUARY 2006

TRANSLATION

NUMBER ONE HUNDRED AND SEVENTY-THREE – ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San Jose, appears Mr. **WALTER NIEHAUS BONILLA**, who is of Costa Rican nationality, of age, a lawyer by profession, a resident of Escazu, San Jose, bearing identity card number **one – six hundred and seventy nine – three hundred and fifteen**, and who, having been warned of the penalties imposed by the law for the crimes of perjury and ideological falsity in the Penal Code, does, having been informed of the law, hereby declare: FIRST: That, from the eighth of May, nineteen ninety eight to the thirty-first of March, two thousand, he was Vice-Minister of Foreign Affairs and Worship of the Republic of Costa Rica. SECOND: That in the month of September, nineteen ninety eight, the Minister of Foreign Affairs and Worship asked him to coordinate negotiations with Nicaragua in order to reach a satisfactory agreement following the conflict that had arisen due to the Nicaraguan prohibition of allowing Costa Rican police to navigate the San Juan River carrying their regulation arms. He states that his first contact was in the month of October of that same year, with the Nicaraguan Vice-Minister of Foreign Affairs, in El Salvador, on the occasion of a meeting of the Regional Conference on Migration. At that time, Costa Rica then proposed that they appeal to European Union mediation, a proposal that was immediately rejected by the Nicaraguan authorities. Following this, due to the fact that he had an accident, diplomatic exchanges were suspended until his return to the Ministry. THIRD: He goes on to declare that, following a number of informal discussions, Costa Rica proposed an agreement which he personally sent to the Nicaraguan Vice-Minister on the eleventh of May, nineteen ninety nine. However, Nicaragua never responded to the proposal he sent. Subsequently, he recalls that he held meetings with his Nicaraguan counterpart in the city of Miami, United States of America, in the month of August of that same year, and in San Jose, in the month of December of nineteen ninety nine. Despite his efforts in these meetings to reach a satisfactory agreement, it was not possible to attain Nicaragua's commitment to that end. FOURTH: He goes on to declare that, as a result of the exchange of letters between the Costa Rican and Nicaraguan Ministers of Foreign Affairs to initiate negotiations aimed at the signing of a Treaty of Maritime Limits, he travelled to Managua and met with his Nicaraguan colleague on the sixteenth of February, two thousand. This work meeting constituted the occasion on which they were closest to reaching an agreement at this level, since both he himself and the Nicaraguan Vice-Minister of Foreign Affairs succeeded in agreeing on a text that was satisfactory to both countries, by which Costa Rica would inform the Nicaraguan authorities when Costa Rican police were passing through with their regulation arms. The Foreign Ministers were informed of the said agreement, and, in a meeting held in Portugal, agreed to proceed to sign it. However, he states that the Nicaraguan Foreign Minister indicated that he would show the agreement to the President of his country who subsequently rejected it. He states that he knows of the rejection as he was present when the President of Nicaragua informed the President of Costa Rica, over the telephone, that he was rejecting the agreement. He declares that some days later they received a counter-proposal from the Nicaraguans to the text that had already been agreed upon, and that counter-proposal changed what had been agreed on considerably. In light of this, at the end of February Costa Rica sent a similar counter-proposal to the one that had arrived a few days previously, however, this did not receive the backing of Nicaragua. When this occurred, Costa Rica made the decision to take the case to the heart of the

Organization of American States (OAS), with the Secretary General as facilitator, however, this also failed since Nicaragua was never willing to submit to the mechanisms established by the inter-American system. He declares that during the time the OAS facilitated conversations, he maintained contact with his Nicaraguan colleague in order to reach an agreement, but that this never occurred. He states that he left his position as Vice-Minister on the thirty-first of March, two thousand. That is all. I issue a first statement hereof. Having read the above to the deponent he approves it and we both sign in San Jose at ten twenty on the twenty-third of February, two thousand and six. ——

———————————————— ILLEGIBLE ——

—————— T.V.M. ————————————

THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND SEVENTY-THREE-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND ELEVEN REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO CIENTO SETENTA Y TRES-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, comparece el señor **WALTER NIEHAUS BONILLA**, de nacionalidad costarricense, mayor de edad, de profesión abogado, vecino de Escazú, San José, con cedula de identidad numero uno – **seiscientos setenta y nueve – trescientos quince**, quien advertido de las penas con las que la ley castiga los delitos de perjurio y falsedad ideológica en el Código Penal, declara bajo conocimiento de ley: **PRIMERO:** Que entre el ocho de mayo de mil novecientos noventa y ocho y el treinta y uno de marzo de dos mil, se desempeñó como Viceministro de Relaciones Exteriores y Culto de la República de Costa Rica. **SEGUNDO:** Que en el mes de setiembre de mil novecientos noventa y ocho, el Ministro de Relaciones Exteriores y Culto le pidió coordinar las negociaciones con Nicaragua para llegar a un arreglo satisfactorio a raíz del conflicto surgido por la prohibición nicaragüense de permitir a los policías costarricenses navegar el río San Juan portando sus armas de reglamento. Manifiesta que su primer contacto se realizó en el mes de octubre de ese año, con el Viceministro de Relaciones Exteriores de Nicaragua, en El Salvador, en ocasión de una reunión de la Conferencia Regional sobre Migración. En ese momento, Costa Rica propuso entonces que se recurriera a una mediación por parte de la Unión Europea, propuesta que fue inmediatamente rechazada por las autoridades nicaragüenses. Posteriormente, a raíz de un accidente que sufrió, los intercambios diplomáticos se suspendieron hasta su regreso al Ministerio. TERCERO: Sigue declarando que luego de algunas discusiones informales, Costa Rica propuso un acuerdo de arreglo que él personalmente le envió al Viceministro nicaragüense el día once de mayo de mil novecientos noventa y nueve. No obstante, Nicaragua nunca reaccionó a la propuesta enviada. Posteriormente, recuerda que sostuvo reuniones con su contraparte nicaragüense en la ciudad de Miami, Estados Unidos de América, en el mes de Agosto de ese año, y en San José, en el mes de Diciembre de mil novecientos noventa y nueve. A pesar de sus esfuerzos en dichas reuniones por alcanzar un acuerdo satisfactorio, no fue posible encontrar el compromiso nicaragüense para ello. CUARTO: Sigue manifestando que como consecuencia de un intercambio de cartas entre los cancilleres de Costa Rica y Nicaragua para iniciar negociaciones tendientes a suscribir un Tratado de Límites Marítimos, él viajó a Managua y se reunió con su colega nicaragüense el dieciséis de febrero de dos mil. Dicha reunión de trabajo constituyó la ocasión en que más cerca se estuvo de lograr un acuerdo a este nivel, pues tanto él como el Viceministro de Relaciones Exteriores nicaragüense lograron ponerse de acuerdo en un texto satisfactorio para ambos países, por el cual Costa Rica informaría a las autoridades nicaragüenses el paso de los policías costarricenses portando sus armas de reglamento. Dicho acuerdo fue comunicado a los Cancilleres, quienes en una reunión sostenida en Portugal, acordaron proceder con su firma. No obstante, manifiesta que el Canciller nicaragüense indicó que debía mostrar el acuerdo al Presidente de su país, quién posteriormente lo rechazó. Dice que le consta dicho rechazo, pues estaba presente cuando el Presidente de Nicaragua le informó, por la vía telefónica, al Presidente de Costa Rica, que rechazaba el acuerdo. Manifiesta que días después recibieron una contrapropuesta nicaragüense al texto ya acordado, y que sustancialmente cambiaba lo acordado. Ante ello, a finales del mes de febrero, Costa Rica envió una contrapropuesta similar al acuerdo llegado días atrás, pero que no encontró el aval de Nicaragua. Cuando ello sucedió, Costa Rica tomó la determinación de llevar el caso al seno de la Organización de Estados Americanos (OEA), con la facilitación de su Secretario General, que también fracasó, pues Nicaragua nunca estuvo dispuesta a someterse a los mecanismos que establece el sistema interamericano. Dice que durante el tiempo en que la OEA facilitó conversaciones, él mantuvo contacto con su colega nicaragüense para lograr un acuerdo, pero que nunca se logró. Manifiesta que dejó su cargo como Viceministro del día treinta y uno de marzo de dos mil. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en San José, a las diez horas con veinte minutos del día veintitrés de febrero de dos mil seis.***********W.N.B.********T.V.M.*********

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO CIENTO SETENTA Y TRES-UNO INICIADA AL FOLIO CIENTO ONCE VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 105

AFFIDAVIT OF VICTOR JULIO VARGAS HERNÁNDEZ

DEED NO. 203-1, 6 JULY 2006

TRANSLATION

NUMBER TWO HUNDRED AND THREE - ONE: Before me, **TATIANA VARGAS-MASÍS**, Notary Public of San José, passing through Boca de San Carlos, at the request of the Ministry of Foreign Affairs and Worship of Costa Rica, appeared **VICTOR JULIO VARGAS HERNANDEZ**, of Costa Rican nationality, of legal age, officer of the Public Force in Boca de Rio San Carlos, resident of the same place, with identification card number **five – one hundred and forty three – two hundred and ninety nine**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he entered the Costa Rican Public Force approximately in the year one thousand nine hundred and seventy nine, temporarily ceasing in the year one thousand nine hundred and eighty four, and rejoining the service in the year one thousand nine hundred and ninety, and being active until this day. Also, he states that he has been residing for about nineteen years in Boca de San Carlos, since the year one thousand nine hundred and eighty seven. SECOND: He says that the first time that he served as officer of the Public Force, his duties were as boatman of the Public Force, and he had to transport his fellow officers from the post of Terrón Colorado – on the San Carlos River – until the mouth of said river with the San Juan River, and continuing on the San Juan River both in an Western direction until Las Tiricias and the border post up to where Costa Rica has free navigation, as well as in a Eastern direction to the mouth of the Sarapiqui River. THIRD: He continues stating that the tasks undertaken were as much for the change of officers in the Costa Rican posts as well as for the supply of those posts. In addition, they did carry out guard and inspection actions of the national border territory, which they could only do by navigating on the San

Juan River, since there were no roads in that sector. FOURTH: He says that he never had problems to navigate at the beginning, during the Somoza Regime. When the Nicaraguan Counter Revolution started it was very difficult to navigate, reason why for some time the navigation was suspended, but that later, with the Sandinista Government, it was reinitiated without problems. FIFTH: That he does not know what happened between the year one thousand nine hundred and eighty four and one thousand nine hundred and ninety. When rejoined the Public Force he was appointed to the border post of Boca de San Carlos, and he knows that the navigation that took place on the river was done without problems until the year one thousand nine hundred and ninety eight. SIXTH: He continues stating that when there were joined operations for the capture of criminals, like the time when a German and a Swiss were kidnapped and the kidnapping of two Dutch persons, he had the responsibility to provide food rations to both the Costa Rican policemen as well as the members of the Nicaraguan Army, stationed on the Nicaraguan side of the San Juan River, which he did without problems. SEVENTH: He states that as a resident of Boca de San Carlos, he knows that the Nicaraguan authorities forbids the Costa Ricans who live in the national margin of the San Juan River to fish in said River, and that in many occasions, the same neighbors are prohibited from navigating or are charged, which is now the case when they charge the amount of nine dollars for the navigation on the San Juan River. EIGHT: He says that the Costa Rican population in the region is being constantly intimidated and that many prefer not to report the abuses by the Nicaraguan Army in order not to be subject to reprisals. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Boca de San Carlos, at the sixteen hours and thirty minutes of six July of two thousand six.**V.J.V.H***T.V.M.******** THE FOREGOING TEXT IS A

TRUE COPY OF DEED NUMBER TWO HUNDRED AND THREE-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND THIRTY FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO DOSCIENTOS TRES-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, a solicitud del Ministerio de Relaciones Exteriores y Culto de Costa Rica comparece el señor **VICTOR JULIO VARGAS HERNANDEZ**, de nacionalidad costarricense, mayor de edad, oficial de la Fuerza Pública en Boca Río San Carlos, vecino del mismo lugar, con cedula de identidad numero **cinco – ciento cuarenta y tres – doscientos noventa y nueve**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que ingresó a la Fuerza Pública de Costa Rica aproximadamente en el año de mil novecientos setenta y nueve, cesando temporalmente en el año de mil novecientos ochenta y cuatro, y reincorporándose al servicio en el año de mil novecientos noventa y manteniéndose activo hasta el día de hoy. Asimismo, indica que tiene de residir en Boca de San Carlos unos diecinueve años, desde el año de mil novecientos ochenta y siete. SEGUNDO: Dice que la primera vez que sirvió como oficial de la Fuerza Pública sus funciones fueron la de botero de la Fuerza Pública, y le correspondía trasladar compañeros oficiales desde el puesto de Terrón Colorado –sobre el río San Carlos-, hasta la boca de dicho río con el río San Juan, y continuando sobre el Río San Juan, tanto en dirección Oeste hasta las Tiricias y el punto fronterizo hasta donde Costa Rica tiene libre navegación, como en dirección Este hasta la boca del río Sarapiquí. TERCERO: Continúa manifestando que las labores que se realizaban era tanto para el cambio de oficiales en los puestos fronterizos costarricenses como de abastecimiento de esos puestos. Asimismo, realizaban acciones de guarda e inspección del territorio nacional fronterizo, lo cual sólo podían hacer navegando en el Río San Juan, ya que no existían caminos en ese sector. CUARTO: Manifiesta que nunca tuvo problemas para navegar al inicio, durante el régimen de Somoza. Cuando estalló la contrarrevolución nicaragüense, era muy peligroso navegar, por lo que por algún tiempo se suspendió la navegación, pero que posteriormente, con el Gobierno Sandinista se reactivó sin problemas. QUINTO: Que no le consta que sucedió entre el año de mil novecientos ochenta y cuatro y mil novecientos noventa. Cuando reingresó a la Fuerza Pública se le destacó en el puesto fronterizo en Boca de San Carlos, y le consta que la navegación que se realizaba en el Río se hacía sin problemas hasta el año de mil novecientos noventa y ocho. SEXTO: Sigue indicando que cuando se debieron hacer operativos conjuntos para la captura de delincuentes, como en la ocasión cuando se secuestró a una alemana y una suiza y el secuestro de dos Holandeses, él tenía la responsabilidad de suministrar raciones de alimento tanto a los policías costarricenses como a los miembros del ejército nicaragüense, destacados en el lado nicaragüense del Río San Juan, lo cual hizo sin problemas. SEPTIMO: Manifiesta que como residente de Boca San Carlos, le consta que las autoridades nicaragüenses le prohíben a los costarricenses que viven en la margen nacional del Río San Juan pescar en dicho río, y que en muchas ocasiones a los mismos vecinos les prohíben navegar o les cobran, como es el caso ahora, cuando cobran la suma de nueve dólares para la navegación en el Río San Juan. OCTAVO: Dice que la población costarricense en el área está constantemente initimidada y que muchos prefieren no reportar abusos por parte del Ejército Nicaragüense para no recibir represalias. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Boca de San Carlos, a las dieciséis horas y treinta minutos del seis de julio de dos mil seis.**V.J.V.H.***T.V.M.**

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO DOSCIENTOS TRES-UNO INICIADA AL FOLIO CIENTO TREINTA FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 106

AFFIDAVIT OF LEONEL MORALES CHACÓN
DEED NO. 204-1, 6 JULY 2006

TRANSLATION

NUMBER TWO HUNDRED AND FOUR - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Boca de San Carlos, at the request of the Ministry of Foreign Affairs and Worship of Costa Rica, appeared **LEONEL MORALES CHACON**, of Costa Rican nationality, of legal age, farm owner, resident of the same place, with identification card number **two – three hundred and twenty four - nine hundred and nineteen**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has living in the Costa Rican margin of the San Juan River in the region of Boca de San Carlos for about twenty five years. SECOND: He says that since he lives in the place he has fished in the San Juan River for nourishment without having problems to do it. However, recently he has been informed that he is not allowed to fish in the River. He knows that one of his neighbors that fished with her children, whilst fishing she was detained and she was seized a small boat. THIRD: He continues stating that in another occasion, when he was transporting some family members visiting him, to one of them only carrying a fishing rod, they confiscate it, despite the fact that he had not fished in the river. Other neighbors have told him that they had suffered similar problems. He knows that in many cases when they find any Costa Rican navigating on the river with fish, the Nicaraguan authorities detain them, confiscate their belongings, including the vessel, and is sent to San Carlos de Nicaragua. FOURTH: He states that he is surprised by the attitude of the Nicaraguan authorities, since by not being able to fish they are affected by the lack of foodstuff in the area. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, she approved it, and we both sign at

Boca de San Carlos, at the sixteen hours and forty five minutes of six July of two thousand six.**L.M.C *** T.V.M. THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER TWO HUNDRED AND FOUR-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND THIRTY-ONE REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO DOSCIENTOS CUATRO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, a solicitud del Ministerio de Relaciones Exteriores y Culto de Costa Rica comparece el señor **LEONEL MORALES CHACON**, de nacionalidad costarricense, mayor de edad, finquero, vecino del mismo lugar, con cedula de identidad numero **DOS – TRESCIENTOS VEINTICUATRO – NOVECIENTOS DIECINUEVE**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene de residir en la márgen costarricense del Río San Juan en el área de Boca de San Carlos unos veinticinco años. SEGUNDO: Dice que desde que vive en el lugar ha pescado en el Río San Juan para alimentarse, sin que hubiera tenido problemas para hacerlo. No obstante, recientemente le han informado que le está prohibido pescar en el Río. Le consta que a una vecina suya que pescaba con sus hijos menores, mientras pescaba la detuvieron y le decomisaron un pequeño bote. TERCERO: Continúa manifestando que en otra ocasión, cuando él transportaba unos familiares que le visitaban, a uno de ellos, que sólo llevaba una caña de pescar, se la decomisaron, a pesar que no había pescado en el Río. Otros vecinos le han manifestado que también han tenido problemas similares. Sabe que en muchas ocasiones, cuando cualquier costarricense navegando por el Río lo encuentran con pesca, las autoridades nicaragüenses lo detienen, le decomisan las pertenencias, incluyendo la embarcación y es enviado a San Carlos de Nicaragua. CUARTO: Manifiesta que le sorprende la actitud de las autoridades nicaragüenses, pues el no poder pescar les afecta por la escasez de alimentos en el área. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Boca de San Carlos, a las dieciséis horas y cuarenta y cinco minutos del seis de julio de dos mil seis.****************L.M.C.****************T.V.M.*****************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO DOSCIENTOS CUATRO-UNO INICIADA AL FOLIO CIENTO TREINTA Y UNO VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 107

AFFIDAVIT OF ERICK MAIKOL MARTÍNEZ LÓPEZ
DEED NO. 205-1, 6 JULY 2006

TRANSLATION

NUMBER TWO HUNDRED AND FIVE - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Boca de San Carlos, at the request of the Ministry of Foreign Affairs and Worship of Costa Rica, appeared **ERICK MAIKOL MARTINEZ LOPEZ**, of Costa Rican nationality, of legal age, farmer, resident of the same place, with identification card number **two – five hundred and eighty five - four hundred and fifteen**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has living for twenty two years on the Costa Rican margin of the San Juan River, in the area of Boca de San Carlos, since he was born. SECOND: He says that all his life he and his family have fished in the San Juan River for feeding and that, until recently, they never had problems to do it. THIRD: Since some time ago, particularly since the situation with Nicaragua aggravated because of the navigation on the San Juan River, the Nicaraguan authorities have banned fishing in the River. He says that he knows that they do not allow fishing and that family members and friends have been affected, since they have been detained and their belongings have been seized, including the fish, the lines and even the boat, which has affected them financially as they are poor people. FOURTH: He continues to indicate that just today members of the Nicaraguan Army told him that he will not be allowed the passage through the San Juan River, even paying the nine dollars that regularly are charged for navigating on said River. FIFTH: Finally, he indicates that many neighbours prefer not to denounce the abuses against them by the Nicaraguan authorities for fear that they will be prohibited the navigation or be detained. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, she approved it, and we both sign at Boca de San Carlos, at the seventeen hours of six July of two thousand six..**********E.M.M.L************T.V.M.********* THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER TWO HUNDRED AND FIVE-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND THIRTY-ONE REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO DOSCIENTOS CINCO-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, a solicitud del Ministerio de Relaciones Exteriores y Culto de Costa Rica comparece el señor **ERICK MAIKOL MARTINEZ LOPEZ**, de nacionalidad costarricense, mayor de edad, peón agrícola, vecino del mismo lugar, con cedula de identidad numero **DOS – QUINIENTOS OCHENTA Y CINCO - CUATROCIENTOS QUINCE**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene de residir en la márgen costarricense del Río San Juan en el área de Boca de San Carlos veintidós años, desde su nacimiento. SEGUNDO: Dice que toda su vida él y su familia ha pescado en el Río San Juan para alimentarse y que, hasta recientemente, nunca tuvieron problemas para hacerlo. TERCERO: Desde hace un tiempo, particularmente desde que se agravó la situación con Nicaragua por la navegación en el Río San Juan, las autoridades nicaragüenses han prohibido la pesca en el Río. Dice que le consta que ya no permiten dicha pesca y que familiares y amigos suyos se han visto perjudicados, pues los han detenido y decomisado sus pertenencias, incluyendo la pesca, las cuerdas e incluso el bote, lo cual los ha afectado económicamente pues son personas pobres. CUARTO: Continúa manifestando que justamente el día de hoy funcionarios del ejército nicaragüense le informaron que no se le permitiría el paso por el río San Juan aún pagando los nueve dólares que cobran habitualmente por navegar en dicho río. QUINTO: Finalmente indica que muchos vecinos prefieren no denunciar abusos contra ellos por parte de las autoridades nicaragüenses por miedo que les prohiban la navegación o los detengan. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Boca de San Carlos, a las diecisiete horas del seis de julio de dos mil seis.**********E.M.M.L.**********T.V.M.*****************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO DOSCIENTOS CINCO-UNO INICIADA AL FOLIO CIENTO TREINTA Y UNO VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 108

AFFIDAVIT OF JOSÉ MORENO ROJAS
DEED NO. 206-1, 6 JULY 2006

TRANSLATION

NUMBER TWO HUNDRED AND SIX - ONE: Before me, **TATIANA VARGAS MASÍS**, Notary Public of San José, passing through Boca de San Carlos, at the request of the Ministry of Foreign Affairs and Worship of Costa Rica, appeared who says to be **JOSE MORENO ROJAS**, of Costa Rican nationality, of legal age, farm owner, resident of the same place, who says to have identification card number **nine – cero seventeen – cero cero one**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That he has been residing on the Costa Rican margin of the San Juan River, about eight kilometres from Boca de San Carlos, towards the East on the River, for about twenty five years. SECOND: He says that until Nicaragua started to impose restrictions to the navigation of Costa Ricans on the River, he never had problems to navigate. However, since last year he has had many problems, because despite of being neighbour of the River all his life, now he is demanded a departure clearance in order to go to or come from his house, which he has to carry with him always and during the entire voyage. In addition, they are imposed timetables and are forced to carry the Nicaraguan flag, which cannot be found where he lives. THIRD: He is also a witness that it is not longer allowed to fish in the River, since otherwise their boat and fishing gear are confiscated, besides of exposing themselves to be arrested. He says that this affects them because for him and his family the fish is important as a food source, and given the remoteness where they live, those products cannot be obtained, thus affecting them. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, he approved it, and we both sign at Boca de San Carlos, at the seventeen hours and fifteen minutes of six July of two thousand six.*********J.M.R*******T.V.M.***********

THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER TWO HUNDRED AND SIX-ONE, WHICH STARTS ON PAGE ONE HUNDRED AND THIRTY-TWO FRONT OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO DOSCIENTOS SEIS-UNO: Ante mí **TATIANA VARGAS MASÍS,** Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, a solicitud del Ministerio de Relaciones Exteriores y Culto de Costa Rica comparece quien dice llamarse **JOSE MORENO ROJAS**, de nacionalidad costarricense, mayor de edad, finquero, vecino del mismo lugar, quien dice tener cedula de identidad numero **NUEVE – CERO DIECISIETE – CERO CERO UNO**, quien advertido de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene de residir en la márgen costarricense del Río San Juan, a unos ocho kilómetros de Boca de San Carlos, hacia el Este sobre el Río, unos veinticinco años. SEGUNDO: Dice que hasta que Nicaragua empezó a imponer restricciones a la navegación de costarricenses por el río, nunca tuvo problemas para navegar. Sin embargo, desde el año pasado ha tenido una gran cantidad de problemas, pues a pesar de ser vecino toda la vida del Río, ahora le exigen un zarpe para poder trasladarse a su casa o desde su casa, el cual debe llevar consigo siempre y durante toda la travesía. Adicionalmente, les imponen horarios y les exigen llevar la bandera nicaragüense, la cual no se puede conseguir donde él vive. TERCERO: También le consta que ya no les está permitido pescar en el Río, pues de lo contrario les decomisan el bote y los implementos de pesca, además de exponerse a que los arresten. Dice que esto les afecta, pues a él personalmente y a su familia el pescado es importante como fuente alimenticia, y por la lejanía donde viven, esos productos no se pueden obtener, lo que les afecta. Es todo. Expido un primer testimonio. Leo lo anterior al compareciente, lo aprueba y juntos firmamos en la localidad de Boca de San Carlos, a las diecisiete horas quince minutos del seis de julio de dos mil seis.*J.M.R.*T.V.M.*

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO DOSCIENTOS SEIS-UNO INICIADA AL FOLIO CIENTO TREINTA Y DOS FRENTE DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

Annex 109

AFFIDAVIT OF JOSEFA ALVAREZ ARAGÓN
DEED NO. 207-1, 6 JULY 2006

TRANSLATION

NUMBER TWO HUNDRED AND SEVEN - ONE: Before me, **TATIANA VARGAS-MASÍS**, Notary Public of San José, passing through Boca de San Carlos, at the request of the Ministry of Foreign Affairs and Worship of Costa Rica, appeared who says to be **JOSEFA ALVAREZ ARAGON**, of Nicaraguan nationality, of legal age, merchant, resident of the same place, who says to have residence identification card number **RE twenty five – double zero – one thousand nine hundred and thirty nine – one thousand nine hundred and ninety nine**, who, having been warned about the penalties established by law in the Penal Code for the crimes of false testimony, perjury and ideological falsity, declares under oath: FIRST: That she has resided for five years on the Costa Rican bank of the San Juan River in Boca de San Carlos. SECOND: She says that because she lives on the Costa Rican bank of the San Juan River, currently the Nicaraguan authorities forbid them to fish in the River, and that as a matter of fact a boat, which was borrowed, was seized from her children because they were fishing, and that this caused her great damage, since she had to go to San Carlos de Nicaragua to get it back. THIRD: She also knows that other people have had their fishing implements and boats seized. She says that this affects them since fishing is essential for nourishment of her children and herself and that she finds the Nicaraguan measures inhumane. That is all. I issue a first testimony hereof. Having read the foregoing text to the party hereto, she approved it, and we both sign at Boca de San Carlos, at the seventeen hours and thirty minutes of six July of two thousand six. *****************J.A.A.******************T.V.M.****************

THE FOREGOING TEXT IS A TRUE COPY OF DEED NUMBER TWO HUNDRED AND SEVEN-ONE, WHICH STARTS ON PAGE ONE

HUNDRED AND THIRTY-TWO REVERSE OF VOLUME ONE OF MY PROTOCOL. HAVING COMPARED THIS COPY WITH ITS ORIGINAL, I DEEM IT CORRECT, I APPROVE IT AND ISSUE A FIRST TESTIMONY THEREOF AFTER HAVING AUTHORIZED THE ORIGINAL WITH MY SIGNATURE.- (illegible signature)

NÚMERO DOSCIENTOS SIETE-UNO: Ante mi **TATIANA VARGAS MASÍS**, Notaria Pública de San José, y de paso por la localidad de Boca de San Carlos, a solicitud del Ministerio de Relaciones Exteriores y Culto de Costa Rica comparece quien dice llamarse **JOSEFA ALVAREZ ARAGON**, de nacionalidad nicaraguense, mayor de edad, comerciante, vecina del mismo lugar, quien dice tener cedula de residencia numero **RE VEINTICINCO - DOBLE CERO - MIL NOVECIENTOS TREINTA Y NUEVE - MIL NOVECIENTOS NOVENTA Y NUEVE**, quien advertida de las penas con las que la ley castiga los delitos de falso testimonio, perjurio y falsedad ideológica en el Código Penal, declara bajo fe de juramento: PRIMERO: Que tiene de residir cinco años en la márgen costarricense del Río San Juan en Boca de San Carlos. SEGUNDO: Dice que por vivir en la márgen costarricense del Río San Juan, las autoridades nicaragüenses en la actualidad les prohiben pescar en el río, y que de hecho a sus hijos en una ocasión les decomisaron el bote, que era prestado, porque estaban pescando, y que esto le causó un gran perjuicio, pues ella tuvo que trasladarse hasta San Carlos de Nicaragua para que se lo devolvieran. TERCERO: También le consta que a otras personas les han decomisado los implementos de pesca y los botes. Dice que esto le afecta pues la pesca es esencial para la alimentación de ella y sus hijos y que las medidas nicaragüenses las encuentra inhumanas. Es todo. Expido un primer testimonio. Leo lo anterior a la compareciente, lo aprueba y juntos firmamos en la localidad de Boca de San Carlos, a las diecisiete horas treinta minutos del seis de julio de dos mil seis.******************J.A.A.***************T.V.M.******************

LO ANTERIOR ES COPIA FIEL Y EXACTA DE LA ESCRITURA NÚMERO DOSCIENTOS SIETE-UNO INICIADA AL FOLIO CIENTO TREINTA Y DOS VUELTO DEL TOMO PRIMERO DE MI PROTOCOLO. CONFRONTADO QUE FUE POR MI CON SU ORIGINAL RESULTO CONFORME, LO APRUEBO Y EXPIDO COMO PRIMER TESTIMONIO DESPUÉS DE AUTORIZAR LA MATRIZ CON MI FIRMA.-

DISPUTE CONCERNING NAVIGATIONAL AND RELATED RIGHTS

(COSTA RICA *v.* NICARAGUA)

MEMORIAL OF COSTA RICA

VOLUME 5

(Annexes 110 to 192)

29 August 2006

Annex 110

"SANDINISTA GUARDS ATTACK COSTA RICANS" IN *LA NACIÓN*, SAN JOSÉ, 6 NOVEMBER 1980

TRANSLATION

SANDINISTA GUARDS ATTACK COSTA RICANS

LA NACION, San José, 6 November, 1980

Sandinista guards, in a post of the San Juan River, situated in the zone of the mouth of the Sarapiquí, perpetrated last Thursday a fourth attack, firing their submachine guns at Costa Rican employees of the Ministry of Health, who were navigating in Costa Rican territorial waters.

The three previous attacks had not transcended the public opinion, despite there being a diplomatic complaint from the Costa Rican Foreign Ministry towards the neighbouring country's consul, which did not yield positive results.

Yesterday, the Government of Costa Rica presented a formal protest to the Government of Nicaragua, through its Ambassador in San José, Javier Chamorro. This protest clearly specified that this is due to "the series of events which my Government feels that endanger our sovereignty and national safety".

At the same time, the diplomatic note, signed by Lic. Bernd Niehaus, asks for a satisfactory explanation at the utmost brevity, and asks, in order to maintain cordial relations, to instruct military authorities of the region to respect free navigation in the San Juan River, as stipulated in standing agreements.

The account of the events, included in the Costa Rican protest, is as follows:

"This morning, the President of the Republic, Lic. Rodrigo Carazo, and the undersigned, were informed in detail by the Minister of Health, Dr. Carmelo Calvosa, that once again, members of the Sandinista Army of Nicaragua, posted in the San Juan River, exactly at the confluence with the Sarapiquí, on November 4th, fired their submachine guns at a vessel from the Ministry of Public Health of Costa Rica, with officials from that bureau, among which where Mr. Eduardo Carrillo, administrative director, a.i., and Dr. Calderón. They almost lost their lives in the shooting, which came from Nicaraguan territory, and while this vessel was on a routine medical mission, sailing up the right margin of the San Juan River, in Costa Rican waters."

Miscellaneous

I regret to inform Your Excellency that this unpleasant event is not the first of its kind. On October 10th, 17th, and 24th, other medical missions from the above-mentioned Ministry were attacked by Sandinista forces, and even the Director of the local school has said that the children won't go out during recess, from fear of being demolished in one of the continuous shootings, that these elements unjustifiably cause."

"I must say, Your Excellency, that the medical assistance offered in the zone is not only for the benefit of Costa Ricans, but also for Nicaraguans. Sixty per cent of their population benefit from these services, which not only include the presence of doctors, orthodontists, and nurses, but also personnel from the national program for the eradication of malaria."

"The Government of the Republic, hereby wishes to leave written evidence of its most emphatic protest for the above-mentioned facts, and requests a prompt and satisfactory explanation and to instruct military authorities in the region to respect free navigation in the San Juan River, as stipulated in standing agreements between both countries, for the sake of the good relations that have existed."

Frightened

Yesterday, there was still no answer to the protest. In the meantime, it was confirmed here that a deep concern exists in the border area because the Costa Ricans cannot move freely in their own territory.

Other investigations showed greater detail about the incidents, according to which the Sandinista Guard, stationed in the San Juan, shoots because it demands that Costa Ricans present themselves at those posts every time they pass the river.

In the attack against Mr. Carrillo and Dr. Calderón, the former was slightly wounded in his temple, when he hit himself on the the side of the boat seeking protection from the bullets.

Also, people from the zone denounced that the Guard charges 7 colones for each quintal of corn or beans that is taken out of Costa Rica through the San Juan, and obligates them to go to the Nicaraguan margin to pay the fee.

Medical services in the zone are practically unavailable in light of the abnormal situation.

In the last incident, aside from the physical attack, Nicaraguans used coarse language and harsh epithets when referring to the medical labor and assistance work carried out by the nationals.

Ambassador

In the meantime, the Nicaraguan ambassador, Javier Chamorro, said that he received the note of protest yesterday afternoon.

He said an investigation will be carried out to determine whether Nicaraguan soldiers incurred in any kind of irregularity. If anomalies are proven, they will impose the corresponding sanctions, he added. They will also give the necessary explanations of this case to our Government.

Annex 111

"NICARAGUA CONDITIONS NAVIGATION ON THE WATERS OF THE SAN JUAN RIVER" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 8 NOVEMBER 1980

TRANSLATION

NICARAGUA CONDITIONS NAVIGATION ON THE WATERS OF THE SAN JUAN RIVER.

(Extracts)

LA NACION, San José, Saturday 8 November, 1980

According to international news coming from Managua, whenever Costa Ricans wish to navigate in the confluence of the Sarapiquí and San Juan rivers, they must inform the Nicaraguan authorities to avoid conflicts. This statement was made by Commander Daniel Ortega, member of the National Reconstruction Junta of Nicaragua. Ortega said that this type of problems do not occur in the northern border, because when Honduran authorities transit the border area, they previously inform about it. The Nicaraguan leader said that in the zone where Nicaragua requests a previous notification to transit, there have been problems with contraband and the presence of "counterrevolutionary elements". The Nicaraguan Foreign Minister, father Miguel D' Escoto, explained that "last Tuesday's incident against officials of the Ministry of Health, indeed happened. However, he justified the request made by his country to ours.

According to international news coming from Managua, whenever Costa Ricans wish to navigate in the confluence of the Sarapiquí and San Juan rivers, they must inform the Nicaraguan authorities to avoid conflicts.

This statement was made the night before yesterday in the Sandinista newscast television, by Commander Daniel Ortega member of the National Reconstruction Junta of Nicaragua.

(...)

Border zone

In another part of his statements, Commander Ortega assured that in the zone where Nicaragua requests a previous notification to transit, there have been problems with contraband and the presence of "counterrevolutionary elements".

(...)

In regard to the situation, the Nicaraguan Foreign Minister, father Miguel D' Escoto, stated that "the incident indeed happened last Tuesday.

"What happens -he said- is that the Costa Ricans have a right of navigation on the San Juan according to the Cañas- Jerez Treaty. But, because in that area there are counterrevolutionary bands, we have asked the Costa Ricans to notify when they are going to cross the San Juan".

He added that: "it is not that we want to ignore their right to navigate the river, but simply that they notify us, as Hondurans do when they navigate on the Coco river, so as to avoid accidents like the one of the previous Tuesday".

Minister speaks

"I believe that some Nicaraguan authorities are uninformed of the treaties between our country and Nicaragua", said the Minister of Public Security, Carlos Arguedas, when he referred to Nicaragua's conditions established for Costa Rican vessels to navigate in the San Juan River.

Those authorities need to be reminded of the Cañas-Jerez Treaty, he added, which grants Costa Rica the right to navigate in the San Juan River.

Regarding the events of last Tuesday, when a Sandinista patrol shot very close to a boat with a group of officials from the Ministry of Health, the Minister said that he would not allow similar situations to happen again.

He also said that, it is now a policy of his governmental office, to intensify surveillance in the zone to ensure the full protection of the people that live in the region. But he specified that the guards would not be heavily-armed, but they would rather be equipped with a good communications system.

Mr. Arguedas did not specify how many men would be sent to the border zone.

He also said that it is necessary to protect those people's tranquility, as he also asked Costa Ricans to remain calmed.

He reiterated that Costa Rica has the right to navigate in the San Juan, and no one is going to " take it away from us ".

Alarm

Officials from the Ministry of Health, recently said that there is a climate of true fear among the people of the zone of the mouth of the San Juan, as a result of the armed actions of the Sandinista Army personnel posted in the region.

Because of this situation, the Minister of Health, Doctor Carmelo Calvosa, ordered an investigation, because on three previous occasions' personnel of his institution experienced similar situations.

Acknowledgement

In our country, the Nicaraguan Foreign Minister, Miguel D' Escoto admitted that Nicaraguan border personnel attacked Costa Rican vessels in the San Juan River.

He said the situation to be regrettable, and that today he would inform authorities of his country the facts as soon as he arrives in Nicaragua, to lay down the corresponding responsibilities.

D' Escoto met yesterday for several hours with the Minister of Foreign Affairs, Dr. Bernd Niehaus, and with the Minister of Public Security, Carlos Arguedas, and he had lunch with the President of the Republic, Lic. Rodrigo Carazo.

Costa Rican officials explained to him their points of view concerning the incidents.

D' Escoto insisted on the need to establish an information system to keep the necessary contact between authorities of both nations, to avoid incidents like the ones that just happened.

The Nicaraguan Foreign Minister reaffirmed that under no circumstance there has been hostility from his country to Costa Rica. "We are in the best disposition to take the necessary actions to correct the errors made".

(...)

Carazo

On the other hand, after having lunch with D' Escoto and the other Central American Foreign Ministers, President Carazo said that under no circumstance our country would allow the violation of our sovereignty, and that the Government would be steadfast on this.

He commented that yesterday he met with the directors of the Civil Guard, with whom he analyze the possible measures to take at the border to protect our sovereignty.

The president said that under no circumstance, he is willing to coordinate any activity at the border, because the border treaties are clear and they permit Costa Ricans to navigate in the San Juan river.

However, said President Carazo, we believe that we can talk things over to avoid problems, if they should persist.

(...)

Annex 112

"FOREIGN AFFAIRS MINISTER SAYS THAT THE CAÑAS-JEREZ TREATY IS UNQUESTIONABLE" IN *LA NACIÓN*, SAN JOSÉ, 9 NOVEMBER 1980

TRANSLATION

FOREIGN AFFAIRS MINISTER SAYS THAT THE CAÑAS-JEREZ TREATY IS UNQUESTIONABLE

LA NACION, San José, Sunday 9 November, 1980

Foreign Affairs Minister, Dr. Bernd Niehaus stated that Costa Rica will not allow its sovereign rights to be conditioned regarding the treaty of limits with Nicaragua called the Cañas-Jerez Treaty which is unquestionable and serves as the basis for the border relationship between the two parties.

The government of Nicaragua – added Niehaus – through its Foreign Affairs Minister, Miguel D´Escoto, regretted the events that had occurred and assured the Costa Rican authorities that he would take immediately the necessary measures for the situation not to repeat itself.

Niehaus commented that D´Escoto said that responsibilities will be established upon his return to Managua.

He added that the Nicaraguan Foreign Affairs Minister was clear in stating that these incidents are deplorable, harm the good relationship between both nations and that his country never intended to coordinate the navigation on the San Juan River.

Conflict

The causes of the border dispute between Costa Rica and Nicaragua are related to the machine gun shooting of a Costa Ricans vessel transporting officials from the Ministry of Health by a Sandinista patrol.

This provoked a reaction by our authorities who requested that Nicaragua explain the actions that occurred as well as instruct their military in the region to respect the free navigation on the San Juan River.

Treaty

In its article six, the treaty of limits between Costa Rica and Nicaragua states the following: "The Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan river from its origin in the Lake to its mouth in the Atlantic; but the Republic of Costa Rica shall have the perpetual right of free navigation on the said waters, between the said mouth and the point, three English miles distant from Castillo Viejo, said navigation being for the purposes of commerce either with Nicaragua or with the interior of Costa Rica, through the San Carlos river, the Sarapiquí, or any other way proceeding from the portion of the bank of the San Juan river, which is hereby declared to belong to Costa Rica. The vessels of both countries shall have the power to land indiscriminately on either side of the river at the portion thereof where the navigation is common; and no charges of any kind, or duties, shall be collected unless when levied by mutual consent of both Governments."

Unaware

Regarding this last point, Foreign Affairs Minister Miguel D´Escoto stated, while in our country, that he was unaware that the officials on the southern border of Nicaragua were charging 7 colones for a 100 lbs sack of corn or beans that would be taken out of Costa Rica through the San Juan, and force them to go to the Nicaraguan river bank to pay that tax.

Award

Additionally, there is the award signed by the president of the United States, Grover Cleveland in 1888, that establishes that our country has no right to navigate with vessels of war on the San Juan River but it may do so with revenue service vessels.

Also, as an additional point, it states that Nicaragua is subject to requesting our country permission if it desires to build a canal, taking advantage of the San Juan River.

Guards

On his part, the Public Security Minister, Carlos Arguedas Le Franc, reported that the institution under his command sent four rural guards to the border area in order to investigate the incident.

He added that he would not be sending more men since he considered that the conflict would be resolved with the good faith of the Nicaraguan authorities, as well as the participation of Foreign Affairs Minister D´Escoto who assured that the events that occurred had been regrettable.

Annex 113

"NEW PROTEST TO NICARAGUA" IN *LA NACIÓN*, SAN JOSÉ, 11 JUNE 1982

TRANSLATION

NEW PROTEST TO NICARAGUA

LA NACION, San José, 11 June, 1982

For the second time in one week, yesterday the Government of Costa Rica sent a note of protest to the Nicaraguan Government for the "violation to the free navigation right on the San Juan river, that is categorically and perpetually guaranteed this country."

This was stated by the Minister of Foreign Affairs, Lic. Fernando Volio, in a Note addressed to the Nicaraguan Junta, presented to the Chargé d´ Affaires, a.i., Lic. Oscar Ramon Téllez.

Volio sent a note of protest last Tuesday to the same official, after the incursion of members of the Nicaraguan army in Upala, Los Chiles and San Carlos during the last two weeks of May was verified. According to what was said at the time, the militaries where looking for antisandinista groups.

Several weeks ago, the Ministry of Public Safety started a control and search procedure at the Nicaraguan border zone. Police surveillance in Conventillos, Peñas Blancas, La Cruz, Santa Cecilia and other towns was triplicated, and members of the Police Force and the Rural Police were mobilized.

This time

Minister Volio explained that, Mrs. Emilia Gamboa, manager of the "Swiss Travel Service, S.A:" travel agency, filed a complaint before the Minister for Public Security, Lic.Angel Edmundo Solano.

The manager explained that last Sunday, an agency boat headed for Puerto Viejo with 10 tourists was intercepted by a Sandinista patrol.

The patrol "forced our tourists to get off the boat and show their belongings".

After speaking to the passengers and the boatman for several hours, "they told our employee that he should notify the head office that as of yesterday, Costa Rican vessels were prohibited from navigating the San Juan River, in particular with American and European tourists."

The incident reported by Mrs. Gamboa, said Minister Volio in the Protest Note, is very serious because it affects the right of free navigation that is categorically and perpetually guaranteed to Costa Rica. Also, he said, "because it goes against our financial interests ".

"Therefore, I protest that incident on behalf of the Government of Costa Rica", said the Minister.

He added that Costa Rica asked Nicaragua to take "the necessary and urgent measures to sanction the members of the patrol", and prevent similar situations from occuring in the future.

Another one

However, the Ministry of Foreign Affaires informed that after sending the note another incident with the same patrol, "that refused to identify itself and threatened to block the way of any boat with tourists ", occurred on Sunday.

Once more, Volio expressed "his discomfort for this new violation to the border treaty with Nicaragua."

At the same time, the Nicaraguan Embassy expressed its concern to the Minister caused by these denunciations, and promised to send complete information on the events as soon as possible.

Annex 114

"FREE PASSAGE ALONG THE SAN JUAN RIVER IS DEMANDED" IN *LA NACIÓN*, SAN JOSÉ, 16 JUNE 1982

TRANSLATION

FREE PASSAGE ALONG THE SAN JUAN RIVER IS DEMANDED

LA NACION, San José, Wednesday 16 June 1982

Costa Rica demanded that Nicaragua allow her national vessels free passage along the San Juan River, according to a statement made by the Minister of Foreign Affairs, Fernando Volio Jimenez, following a meeting with the Nicaraguan Deputy Foreign Minister, Victor Hugo Tinoco.

Both met at the Ministry of Foreign Affairs (more commonly known as the "Yellow House") in order to analyze the reports our country has made regarding Sandinista soldiers entering national territory and in regard to the restrictions the authorities of that nation have imposed on the navigation of national vessels.

According to Volio, the latter problem is the most serious since this prohibition disrespects the Cañas-Jerez Treaty which establishes the limits between the two countries. It was subsequently ratified by the Cleveland Award.

The foreign minister explained that boats with individuals from the Sandinista army have intervened the free passage of Costa Rican vessels, especially those of the Swiss Travel Agency company, which transports tourists from the mouth of the Sarapiqui River to Barra del Colorado.

"Costa Rica – Volio said – will not even allow our right to free navigation along that river to be called into question".

Nonetheless, deputy foreign minister "Tinoco assured him that Nicaragua is not preventing Costa Ricans from using that waterway.

However, he added that when national vessels navigate along the stretch of the river that corresponds to Nicaragua, that nation will exercise her sovereignty and will apply her laws.

Volio, for his part, declared that any interference made regarding national vessels will be considered a hostile act and our country will ensure her sovereignty is respected.

Commission

At yesterday's meeting it was agreed that a mixed commission would be set up within 10 days and its main aim will be to analyze the reports made by Costa

Rica regarding Sandinista elements entering their national territory, as well as other border problems.

Volio insisted, however, that the matter of the navigation of national vessels along the San Juan would not be discussed under any circumstances.

The commission, the official added, will analyze in greater depth the inquiries regarding the Costa Rican reports.

On the other hand, Volio said that they expected clear and categorical written confirmation that Nicaragua had investigated these claims in detail.

"I expect greater clarity and a change of attitude on behalf of the Nicaraguan authorities on the border. They should know that the border area cannot be used as a port of entry or punishment for anyone, because that is what diplomatic channels are for.

Finally, Volio considered the meeting held yesterday with the Nicaraguans to discuss this problem as a positive one.

Annex 115

"NICARAGUANS ANNOUNCE CONTROL ON THE SAN JUAN"
IN *LA NACIÓN*, SAN JOSÉ, 17 JUNE 1982

TRANSLATION

NICARAGUANS ANNOUNCE CONTROL ON THE SAN JUAN

LA NACION. San José, Thursday 17 June 1982

The Nicaraguan government is prepared to control the navigation of Costa Rican tourist vessels on the San Juan River, according to its deputy foreign minister, Victor Hugo Tinoco, and this was confirmed by Yadira Lopez, the cultural attaché of the Nicaraguan Embassy here.

Mr. Tinoco met with the Foreign Affairs Minister, Fernando Volio Jimenez, last Tuesday to discuss the problems that have arisen on the Northern border over the past few weeks.

They decided to set up a special mixed commission that will analyze the reports of Sandinista factions entering our territory. However, deputy foreign minister Tinoco later announced that it will also discuss the matter of navigation on the San Juan River.

Minister Volio declared that the commission will not study the problem of navigation along the abovementioned waterway since Costa Rica does not accept "that our right of free navigation along the San Juan should even be questioned".

Minister Tinoco stated that he discussed with Volio the matter of customs and police control that Nicaragua has established – in particular, that of the entry of foreigners via companies that transport tourists along the river.

He added that surveillance was imposed to determine the activities of persons acting against the government. "I hope that Costa Rica comprehends the purpose of this measure", he pointed out.

He further added that this measure does not mean the right to free navigation will be restricted, since the decisions adopted were made to safeguard the country's security.

Treaty of limits

The Cañas-Jerez treaty of limits, signed by both countries in 1858, establishes in its sixth article:

That Nicaragua shall have exclusively the dominion and supreme control over the waters of the San Juan River, from its source in the lake to its mouth in the

Atlantic; but the Republic of Costa Rica shall have the perpetual rights of free navigation in the said waters from the said mouth in the Atlantic to three English miles before reaching Castillo Viejo, for the purposes of commerce; whether with Nicaragua or with the interior of Costa Rica, via the San Carlos or Sarapiqui rivers, or any other waterway coming from the part where the shore of the San Juan is settled as belonging to this Republic.

"The vessels of either country may come to indiscriminately on the shores of the river at the part where the navigation is common, without any kind of taxes being charged, unless they are established in common accord between the two Governments."

Facio

The former Foreign Affairs Minister, Gonzalo Facio, recalled that during his term of office at the Ministry of Foreign Affairs during the governments of Jose Figueres and Daniel Oduber, there were similar problems with the Government of Nicaragua, when Anastasio Somoza was president.

According to Facio, "free navigation is free navigation and that means our country has that right over the San Juan River, according to that established in the treaty of limits."

He added that any restriction imposed by Nicaragua would be a denial of the free navigation, and would thus mean the Cañas-Jerez treaty was not being complied with.

Facio declared that Nicaragua's idea of police and customs control of tourist vessels transporting foreigners has no legal basis whatsoever.

Annex 116

"PROBLEMS ON THE SAN JUAN RIVER CONTINUE" (EXTRACT) IN *LA NACIÓN*, SAN JOSÉ, 4 JULY 1982

TRANSLATION

PROBLEMS ON THE SAN JUAN RIVER CONTINUE
(Extract)

LA NACION, San José, Sunday, 4 July, 1982

Problems regarding the free navigation of Costa Rican vessels along the San Juan River continue to persist, according to Foreign Affairs Minister, Lic. Fernando Volio Jimenez.

The official explained that the Nicaraguan authorities subject national vessels to a sort of customs inspection which violate the treaty of limits ratified by both countries.

At the beginning of last month, our Foreign Affairs Ministry sent two letters of protest to the Nicaraguan government. One of them in response to the alleged raids by the Sandinistas on the national territory and the other, due to restrictions imposed on Costa Rican vessels to navigate on the San Juan.

This prompted the Nicaraguan Vice-Minister of Foreign Affairs, Victor Hugo Tinoco to come to our country in order to analyze the border problems with Lic. Volio Jimenez.

During the meeting, it was agreed to form a Joint Commission that would analyze Costa Rican complaints regarding Sandinista incursions as well as locate milestones along the border.

Volio emphasized that our country would not discuss "any issue related to topics related to the unquestionable and perpetual Costa Rican rights of free navigation on the San Juan River, established in the Cañas-Jerez Treaty of 1858 and reiterated in the Cleveland Award of 1888".

Problems

As it has been informed, Costa Rican vessels transporting tourists on tours through the San Juan River were subject to inspections by the Nicaraguan authorities.

Apparently this was very strict and upset the national businessmen, who filed a protest at the Foreign Affairs Ministry.

According to Vice-Minister Tinoco, such vigilance is exercised in order to prevent enemies of the Nicaraguan government from entering the country taking advantage of the tours.

After the meeting between Volio and Tinoco, apparently the existing tension lessened and the national vessels are now able to travel on the San Juan; but still subject to the alleged customs inspection by the Nicaraguans.

In the last weeks four trips have taken place and, according to the national businessmen, the situation has improved substantially.

Nevertheless, Minister Volio warned that the demands set forth by our government demanding the free navigation, have not been completely fulfilled and that he has reiterated it to the Nicaraguan ambassador in our country, Roberto Leal.

Annex 117

"NICAS CONFISCATE MATERIAL FROM JOURNALISTS ON THE SAN JUAN" IN *LA NACIÓN*, SAN JOSÉ, 24 FEBRUARY 1983

TRANSLATION

NICAS CONFISCATE MATERIAL FROM JOURNALISTS ON THE SAN JUAN

LA NACION, San José, 24 February, 1983

Armed Sandinista authorities confiscated the notes and recorder of two journalists navigating on the San Juan River.

Edgar Fonseca, journalist for La Nación and Jose Angel Moya, director of a San Carlos news radio station were forced to hand in their materials to the Nicaraguan authorities who alleged security reasons.

In addition, Mario Castillo, photographer for this newspaper, was compelled to hand over his camera film, despite the objections of the journalists.

All were traveling to the border region in order to confirm a series of abuses that the Sandinistas allegedly commit and which had been frequently denounced by the residents.

Tour

The journalists traveled yesterday along the mouth of the Sarapiqui River up to the San Juan on a boat steered by Jorge Gamboa Marin and Eugenio Hernandez Alvarez.

When they reached the mouth at around 12:30 pm they had to comply with a disposition established by the Nicaraguan authorities, whereby any person that navigate the San Juan must identify themselves at a post they have there.

When they reached that point, the Sandinistas registered the members of a group of North American tourists taken to the area by the local company Swiss Travel.

This company must always stop the vessel for its passengers to be examined by the Nicaraguans. This has occurred for some time now.

When the Sandinistas spotted that the photographer from La Nación was taking pictures of the area, he was warned that he had to hand over his film.

Meanwhile, journalist Moya, had his tape recorder confiscated which he uses for his news program. His colleague Fonseca was forced to turn in his notes.

He even had to turn over the notes from an interview with the head of the Nicaraguan military in that area Juan Carlos Urey.

During that interview, Urey stated that they will continue to control the navigation on the San Juan under orders from Managua.

The Sandinistas possess an important military garrison in that area. It is estimated that at least 100 soldiers were mobilized into the area with modern machine guns.

In the meantime, Costa Rican residents complain about the treatment they receive from the Nicaraguan authorities and argue that "now the free navigation treaty has no value".

Annex 118

"FOREIGN AFFAIRS MINISTRY WILL PROTEST AGAIN TO NICARAGUA" IN *LA NACIÓN*, SAN JOSÉ, 7 MARCH 1983

TRANSLATION

FOREIGN AFFAIRS MINISTRY WILL PROTEST AGAIN TO NICARAGUA

LA NACIÓN, San José, 7 March, 1983

Based on the narration of journalists from La Nación who traveled to the northern area of the country and in the problems they faced there, Foreign Affairs Minister, Lic. Fernando Volio Jimenez, will protest again to the Government of Managua in the upcoming days.

This will be the thirteenth note of this type presented by Lic. Volio Jimenez since last June. None as of yet, have been answered.

However, the Foreign Affairs Minister has said that every time that it is verified violations to the national territory by the Sandinistas, or also, the free navigation of Costa Rican vessels on the San Juan River is interfered with, he will protest.

This will be done with the purpose to accumulate a file that, at some point in time, will be sent to an international organism not yet mentioned, which will analyze the border problems between both nations.

The tour taken by journalists Edgar Fonseca from La Nación, Jose Angel Moya from La Voz de San Carlos as well as the photographer from this newspaper Mario Castillo to the San Juan region was done as a result of the constant complaints from area neighbors who stated that they are subject to all sorts of arbitrary actions by the Sandinista military.

The journalists had an incident with the Nicaraguan border authorities who confiscated their notepads, film and a cassette.

In addition, they were able to verify that beginning at 6 p.m. the Sandinista guards do not allow anyone to circulate on the San Juan River and whoever does it, does so under their own responsibility and at their own risk.

They also verified that any Costa Rican who wants to travel between the mouth of the San Carlos and Sarapiquí rivers to reach Barra del Colorado in the Atlantic has to request permission to do so and allow to be searched. Whoever does not comply with these measures runs the risk of being shot at.

The Sandinistas claim that these security measures are being taken due to the imminence of an attack against its government.

Annex 119

"TODAY WILL TAKE PLACE A HIGH LEVEL MEETING WITH NICARAGUA" (EXTRACT) IN *LA NACIÓN*, SAN JOSÉ, 4 APRIL 1983

TRANSLATION

TODAY WILL TAKE PLACE A HIGH LEVEL MEETING WITH NICARAGUA

(Extract)

LA NACION, San José, Monday April 4, 1983

High-level delegations from Costa Rica and Nicaragua will meet today in San Juan del Sur (Nicaragua), to discuss the existing problems between both countries. This is the first meeting of this category, after the one that took place last June in the Casa Amarilla, in San José.

In that occasion, the Minister of Foreign Affairs, Lic. Fernando Volio Jiménez, conversed with the Nicaraguan Vice Minister of Foreign Affairs, Víctor Hugo Tinoco, to analyze, in part, according to official sources, some of the problems that will be discussed today.

Concerning the agenda which will be known, Costa Rica proposed the analysis of Nicaragua´s interference in the free navigation of national vessels in the San Juan River.

Costa Rica also proposed to analyze the incursions of members of the Sandinista Army (EPS) in our territory and the delimitation of the border line, which is already being done.

Nicaragua thought considered convenient to establish methods to improve the relations between both countries. Also, to discuss the presumed action of elements that are against the Government, who work in Costa Rica to attack that nation.

(...)

Annex 120

"MEETING WITH NICARAGUANS FAILED" IN *LA REPÚBLICA*, SAN JOSÉ, 5 APRIL 1983

TRANSLATION

MEETING WITH NICARAGUANS FAILED

LA REPÚBLICA, San José, Tuesday, April 5, 1983.

SAN JUAN DEL SUR, NICARAGUA (by José Luis Fuentes). Yesterday´ s meeting between government delegations of Costa Rica and Nicaragua was considered a complete failure.

Such qualification was given due to the fact that the meeting did not bring positive results to improve the relations between both countries. Furthermore, the most important topic of discussion, which was the right of free navigation in the San Juan river, was taken out of the agenda, since neither of the delegations yielded, and held on to their original positions.

Minister Fernando Volio said, at the end, in a press conference, that in the absence of any positive results from the meeting, the people of Costa Rica should join around President Monge.

Although it was not recorded as a deliberate statement, the Minister vaguely inferred the possibility of taking this issue before the Organization of American States (OAS).

The most prominent agreements in this meeting were the reactivation of two joint committees to discuss the delimitation of the border, and the problem in the San Juan.

There were also some conversations, without reaching any agreements, about economic aspects, the violation of our sovereignty with the incursions of Sandinistas, and the possible training of counterrevolutionaries in the Costa Rican border area.

Nicaragua offered to negotiate with its fellow countries, the commercial treatment with Costa Rica. With respect to the incursions, the Costa Rican delegation denounced the existence of 86 violations of the national sovereignty.

Regarding the use of Costa Rican territory to prepare what anti Sandinistas call a possible Southern front, the Costa Rican delegation informed that only 8 have been confirmed, and that 64 persons were captured in 5 year old campsites, 28 of which had guns and only 22 were indictable.

The Costa Rican delegation was clear in stating that there is total control of the border zone, which takes a lot of sacrifice at a cost of 15 million colones.

The meeting was convoked to discuss an agenda with 5 points, which include the delimitation of the border, the incursions of the Sandinista army in Costa Rican territory, the free navigation in the San Juan River, the existence of counterrevolutionary elements, and the improvement of the relations.

After the meeting, the Minister of the Interior, Tomás Borge, gave an official statement to the press, in which he pointed out the coincidence of both countries willing to make important efforts to improve their ties.

He said that it has never been the intention of the Sandinista government to affect Costa Rica´ s sovereignty, and that there is "political will" to stop the mistakes of those incursions.

Borge said that Nicaragua considers they should have control of the San Juan, for security reasons, but he emphasized the respect for the Cañas-Jerez Treaty, ratified by the Cleveland Award.

Lic. Fernando Volio, who headed the Costa Rican delegation, mentioned that Costa Rica is being hindered from exercising its right of free navigation, and he pointed out vessels and people have been detained, as well as the prohibition to navigate after 6 p.m.

There was a proposal from Nicaragua to sign a friendship and nonaggression pact between both countries, but Costa Ricans considered it a new issue that was not included in the agenda, and therefore decided to inform President Luis Alberto Monge.

There was communiqué or joint press conference, but at the end of the day Minister Volio gave a press conference in Costa Rican territory. After a specific question, he said that nothing in the outcome of the meeting will improve the relations between both countries. Volio handed over several documents in which he states that Nicaragua´ s conduct in the San Juan is unlawful, and he showed details of the delimitation.

Annex 121

"NICARAGUA GUARANTEES FREEDOM ON THE SAN JUAN" (EXTRACT) IN *LA REPÚBLICA*, SAN JOSÉ, 15 APRIL 1983

TRANSLATION

NICARAGUA GUARANTEES FREEDOM ON THE SAN JUAN

(Extract)

LA REPÚBLICA, San José, Friday, April 15, 1983.

Nicaragua will allow unrestricted free transit in the San Juan River.

Dr. Sergio Ramírez Mercado, member of the Government Junta of Nicaragua, made the announcement in the meeting with First Vice President of the Republic, Alberto Fait in that city, and he then ratified it in a press conference, after a question from LA REPÚBLICA.

The delegations from Costa Rica and Nicaragua met in the hotel Las Espuelas, and reached concrete agreements, which they summarized in a joint statement.

Agreements

These were the main agreements:

1) Continue with the efforts to normalize the Common Market.

2) Strengthen the Central American Integration Bank.

3) Nicaragua agreed to document its debt with Costa Rica for 90.6 million dollars.

4) Business relations between both countries will increase.

5) Costa Rica will continue selling electricity to Nicaragua.

6) Nicaragua ratified its will to obey the terms established by the Cañas-Jerez Treaty and the Cleveland Award (navigation in the San Juan River).

7) Costa Rica reiterated its neutrality and Nicaragua reiterated their respect for Costa Rica's political system.

(...)

Annex 122

"RAMIREZ OFFERS GRADUAL RESPECT FOR NAVIGATION ON THE SAN JUAN" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 15 APRIL 1983

TRANSLATION

RAMIREZ OFFERS GRADUAL RESPECT FOR NAVIGATION ON THE SAN JUAN

(Extracts)

LA NACION, San José, Friday, 15 April, 1983.

Liberia – Dr. Sergio Ramírez Mercado, member of Nicaragua's National Reconstruction Junta, announced yesterday here, in a meeting with delegates from our Government, that his country will respect gradually the right of free navigation of Costa Rican vessels in the San Juan River.

The official added that within a non-specified term, they would totally obey the provisions of the Cañas-Jerez Treaty and the Cleveland Award, which allow Costa Rica the free navigation on that waterway.

Ramírez Mercado headed a large Nicaraguan delegation that met for three hours, in the hotel Las Espuelas, in Liberia, with Costa Rican officials, headed by First Vice President, Eng. Alberto Fait Lizano.

This is the second meeting between representatives of both countries in the last two weeks, after eight months of constant verbal confrontations, which have tensed the relations between both countries.

The first meeting was held last 4 April, in San Juan del Sur, in Nicaraguan territory. The Nicaraguan delegates were, among others, the Minister of the Interior, Tomás Borge, and
Vice Minister of Foreign Affairs Nora Astorga. The Costa Rican delegates were the Minister of Foreign Affairs, Fernando Volio Jiménez, the Minister of Public Security, Angel Edmundo Solano, and the Minister of Governance, Dr. Alfonso Carro Zúñiga.

On that occasion, Nicaragua reaffirmed Costa Rica's right of free navigation in the San Juan, but warned that they would continue controlling the passage of national vessels.

(…)

Again, Ramírez guaranteed Costa Rica´ s the right of free transit in the San Juan. Borge had done so on April 4. Foreign Minister Volio Jiménez has repeatedly said that this is the main difficulty in the relations between both countries.

(…)

Annex 123

"CONFLICT WITH THE NICARAGUANS DUE TO TOURISM ON THE SAN JUAN" (EXTRACT) IN *LA REPÚBLICA*, SAN JOSÉ, 5 MARCH 1994

TRANSLATION

CONFLICT WITH THE NICARAGUANS DUE TO TOURISM ON THE SAN JUAN
(Extract)

LA REPÚBLICA, San José, Saturday, 5 March, 1994

Costa Rica will go to the International Court of Justice

While the Costa Rican Foreign Affairs Minister insists that the measure is unacceptable, the Nicaraguan Ambassador referred to the Cañas-Jerez Treaty and argued that tourism is not a commercial activity and, thus, passage through the river must be paid for.

Nicaragua ratified, on Friday, its sovereignty over the San Juan River which borders Costa Rica and announced that it would exercise the corresponding immigration controls to tourism on the waterway, according to Jose Pallais, the Vice-Minister of Foreign Affairs in Managua, who considered the measure imposed by the immigration authorities of charging five dollars per person for tourist navigation as legal.

Given this decision, the Costa Rican government demanded to investigate the fee being charged by Nicaragua to tourists traveling along the San Juan River.

The President of the Republic, Rafael Angel Calderon, affirmed that Costa Rican did not agree with Nicaragua's position, because if free transit on the San Juan River had been established, it referred to all Costa Rican vessels.

He also requested Foreign Affairs Minister Bernd Niehaus to speak with his Nicaraguan counterpart "in order to try to reach an agreement through dialogue and conviction".

"If we do not reach an agreement, the next Administration will have to present a claim at the International Court of Justice which we hope will not be necessary", manifested the head of state.

He added that the neighboring country must take advantage of the tourism that arrives in our country in order to expand that activity and turn it into a source of income for its population.

On his part, Bernd Niehaus stated that said measure was unacceptable and that commerce obviously includes tourist activity.

"This decision violates the border treaties that defend the clear and absolute principle of free navigation, and we will make the necessary contacts with the Nicaraguan government in order to reach an agreement regarding this issue, based on the fraternal relationship that both countries have always maintained", stated Niehaus.

He added that it is inadmissible that in the 20th century national and international tourism not be considered an important activity in modern commerce.

Alfonso Robelo, Nicaraguan ambassador to Costa Rican stated that "I obviously respect the interpretation made by Foreign Affairs Minister Niehaus, but my country makes a sovereign interpretation of the Cañas-Jerez Treaty, since when it was signed tourism did not exist; and commerce was foreseen as an exchange of merchandise".

In this point, Robelo insisted that the tourist is a person who travels in order to visit a region and it is not merchandise. Thus, tourism cannot be considered as an act of commerce.

"Nor is there a dispute with Costa Rica; and we respect the interpretation made by it. However, we know that any difference can be resolved in the best possible manner as we have always done".

Upon insisting that this issue concerns the Foreign Affairs Ministry, Governance Vice-Minister Eduardo Araya Vega, stated that his ministry and particularly the Rural Assistance Guard is prepared to attend to any event that may occur.

In addition, he accepted that on different occasions he has received reports about tense situations caused by the taxes being charged to tourists.

An old treaty that is still valid

According to the Cañas-Jerez Treaty subscribed last century, Costa Rica has the right of navigation only for commercial purposes, on the stretch that borders Nicaragua.

Upon justifying the charges, Vice- Minister of Foreign Affairs, Jose Pallais, according to AFP and ACAN-EFE wires, reminded that Nicaragua did not acknowledge tourism on the San Juan as an act of commerce. He also informed that his government has a border marking plan of its common frontier with Costa Rica, and that, in principle, it is foreseen to place milestones in an area of 37 kilometers of the 178 that cover the land border, according to data provided by Claudio Gutierrez, director of the Nicaraguan Institute for Territorial Studies (INETER).

In order to mark the common border, Nicaragua and Costa Rica are requesting $300,000 in financing from Holland.

Pallais explained that two weeks ago, the government of Nicaragua established an immigration card and a fee of $5 for a visa to foreigners that enter his country through the San Juan River, which provoked the irritation of the Costa Rican authorities.

"Each country is free to adopt any type of measures in its own territory and Costa Rica has no reason to protest a Nicaraguan decision, just as we respect the ones they make", stated Pallais.

However, he discarded that the measure would provoke tension regarding the bilateral relationship between both countries which he referred to as "excellent". He also indicated that the measure is part of the government strategy to "strengthen our presence and control" on the southeast region.

(...)

Annex 124

"TICOS WERE MACHINE-GUNNED AT THE SAN JUAN RIVER" IN *LA NACIÓN*, SAN JOSÉ, 8 MARCH 1994

TRANSLATION

TICOS WERE MACHINE-GUNNED AT THE SAN JUAN RIVER

LA NACION, San Jose, Tuesday, 8 March, 1994

The presidential delegate in Sarapiquí, Norman Scott Chinchilla, and ten other persons were machine-gunned by Nicaraguan officers, last Sunday, at 2:45 p.m., while they were navigating in the San Juan River, on an educational mission.

"One of the Nicaraguan officials acted like a real bully", Scott told *La Nación* in an interview held in his house in Barva de Heredia.

This incident became known and an expert in International Law, Carlos Vargas Pizarro, warned that the $ 5 per person charged to those who navigate in the San Juan, is a "serious danger" to our sovereignty.

"It is urgent that the Government makes an emphatic protest to Nicaraguan authorities, because otherwise, they would tacitly waive their right of perpetuity in the San Juan River",
said the expert.

In the meantime, President Rafael Angel Calderón Fournier said: "We shall solve this through dialogue."

The president said he would seize the opportunity of the visit of the Nicaraguan President, Violeta Barrios de Chamorro, next April 27 – when she will visit (Costa Rica) to inaugurate a park in Zapote – to " discuss this matter personally ".

This conflict with Nicaragua arose two weeks ago, when they began to charge $ 5 – per person – to navigate in the San Juan River, a natural border with Costa Rica.

On the other hand, the Minister of Foreign Affairs, Bernd Niehaus, had a telephone conversation with his Nicaraguan colleague Ernesto Leal, who said that this $ 5 fee is only for "the Nicaraguan river bank."

"If this is so, we must admit that it is part of Nicaragua's jurisdiction", said Niehaus.

Concerning the shooting, Leal said he was not aware of the incident, but he said he would find out, added the Minister.

However, the presidential delegate that was gunned, insisted yesterday that the $5 are charged "without distinction, even to Costa Ricans that live on the margins of the San Juan."

Machine-gunned

Scott Chinchilla and other ten Costa Ricans, traveled along the San Juan last Saturday morning to distribute school supplies, desks, and didactic material for Costa Rican schools
in Barra del Colorado.

On their way back, at 2: 45 p.m. last Sunday, the group was traveling in three boats, one of which had mechanical problems. At that time they were attacked in a place known as Delta del San Juan.

"All of a sudden they shot two bursts at us, with an AK-.47 machine-gun, and made us get closer. They treated us very badly: one officer said he could perfectly kill me", said Scott.

Annex 125

"PROBLEM WITH TICOS SOLVED" IN *LA PRENSA*, MANAGUA, 8 MARCH 1994

TRANSLATION

PROBLEM WITH TICOS SOLVED

LA PRENSA, Managua, Tuesday, 8 March, 1994

C.R. recognizes Nicaraguan right to charge taxes in the San Juan River

The daily newspaper in San Jose, La Republica, cited its Minister of Foreign Affairs, Bernd Niehaus, as stating that Costa Rican authorities recognize the right of Nicaragua to charge a US$5 tax to tourists who travel the San Juan River.

During the last days, the diplomatic authorities from both countries have been in contact to try and smooth over a slight difference that arose after Nicaragua decided to charge US$5 to tourists who travel the waters of the San Juan River.

The Costa Rican President, Rafael Angel Calderon, had even threatened to take the case to the International Court of Justice in The Hague if Nicaragua did not eliminate the tax; however, the Costa Rican authorities have backed down from this action and recognized that Nicaragua's decision to charge the tax is completely legal.

The Jerez-Cañas Treaty, signed by both countries, grants Nicaragua complete control over the aforementioned river and Costa Rica the right to navigate it and transport merchandise from its estuary up to three miles down Castillo Viejo.

According to the last declarations of Minister Niehaus, Nicaragua's decision to charge a tax does not affect or violate the border agreements between the two countries and it was all due to a bad interpretation which does not affect Costa Rican interests.

Nicaragua has been charging US $5,00 to tourists who cross over the three mile limit which is where Costa Ricans are allowed to navigate freely with their merchandise.

Nicaragua Satisfied

The Nicaraguan Foreign Affairs spokeswoman, Claudia Paniagua, appeared very satisfied this morning with the information arriving from Costa Rica which indicated that the authorities from the neighboring country recognized that the recent strife was due to a misinterpretation.

"The declarations made by Minister Niehaus clearly show that two countries who want to live peacefully side by side can solve their differences amicably," said the Foreign Affairs spokeswoman.

Paniagua said that the neighboring country's authorities could feel reassured that Nicaragua would honor its international commitments.

Annex 126

"US$5 TO NAVIGATE ON THE SAN JUAN" IN *LA NACIÓN*, SAN JOSÉ, 10 MARCH 1994

TRANSLATION

$ 5 TO NAVIGATE ON THE SAN JUAN

LA NACION, San José, Thursday, March 10, 1994.

Only local residents are exempt.

Nicaragua charges visitors to Costa Rican towns.

Rio San Juan (border zone with Nicaragua).There is uneasiness and fear.

Free navigation in this river, a natural border with Nicaragua, is almost non-existent.

If you wish to visit a Costa Rican town, along the border of the San Juan, you must first pay $ 5 in control posts of the Sandinista Army (EPS).

Only if you are a local resident or an acquaintance of Nicaraguan authorities, you are exempt from paying that "toll".

Failure to make this payment, which has been in force approximately for 30 days, can cost you at least a fright.

And distances do not matter.

To navigate 10 meters or 20 kilometers in the San Juan – even if it is only touching the national riverside – visitors are forced to change their course and go to the Nicaraguan side to pay that fee.

This was verified the day before yesterday, by a group from *La Nación* that visited that border zone with Nicaragua, where boatmen and local residents showed their uneasiness and fear for what they called an "abuse from Nicaraguans".

Although local residents do not have to pay the $ 5, they are forced to "report themselves" at the control posts of the Sandinista Army (EPS).

Many times they must struggle against strong currents, under torrential rains, paddling their boats, to meet the Nicaraguan demand and avoid eventual "reprisals".

This is the situation that Costa Rican peasants must face daily, like Vicente and his father Eulalio Urbina Ruiz, who live in La Trinidad, only 400 meters away from Boca de Sarapiquí, who complained: "We have no one to go to with our complaints".

"They can shoot their machineguns at us, that is why we must obey", declared Eulalio.

An equal experience confronts Juan Guzmán Mena, a farmer, who says this restriction "signifies a great danger for tourism", an economic activity very popular in this region of the Northern zone of the country.

"What will happen is that foreigners will not return here. The Government should do something to help us", he commented.

In spite of the complaints of the neighbors, President Rafael Angel Calderón said yesterday in the Presidential House, that "an agreement was reached without any problems".

Pay or ...

Those who eventually refuse to pay the $5, can be exposing themselves to dangerous situations, like the one that happened last Sunday – at 2:45 p.m. – to Norman Scott Chinchilla, presidential delegate in Sarapiquí, and another ten Costa Ricans.

A Nicaraguan official fired his AK-47 at the three boats in which they were navigating down the San Juan. They were forced to "report" before a surveillance post located in a place known as Delta del San Juan.

That is why boatmen like Jorge Lao Jarquín, with more than 15 years of experience transporting tourists down the Costa Rican margin of this river, do not hesitate to stop and pay the $ 5, without uttering a protest.

This man, hired by *La Nación* last Tuesday, to sail down the river – between 8 a.m. and 2 p.m. – assured that this tax must be paid by any Costa Rican that visits the zone, on his way to Barra del Colorado, Tortuguero or any other town close to the San Juan.

"What is most surprising is that tourists only visit Costa Rican towns, but even so they still have to pay Nicaraguans to achieve this", said Lao Jarquín, who lives in Puerto Viejo, and owner of tourist boat *Tarca.*

Among the many persons affected by this regulation, is Erich Zeisl, an Austrian whom this newspaper interviewed after he paid $ 5 in the post of the EPS, in front of the Sarapiqui´.

The visitor wished to visit a natural trail, located only 600 meters away from that place, on the Costa Rican side of the San Juan, but he had to change his course and pay the "toll".

"This is another way to take money away from tourists", Zeisl declared to Bret Putnam, photographer for *La Nación,* who served as a translator during a brief dialogue, on a boat, in the middle of the deep San Juan river.

Roberto García, head of the migratory post of Nicaragua, across from Boca de Sarapiquí (see map), just said that "high orders" from Nicaragua responded to this payment. He did not make any further statements.

Annex 127

"TOURIST CARD AFFECTS US, THE TICOS SAY" IN *BARRICADA*, MANAGUA, 13 MARCH 1994

TRANSLATION

TOURIST CARD AFFECTS US, THE TICOS SAY

BARRICADA, Managua, Sunday, March 13, 1994

Interest on establishing legal tourist routes

"Migratory processes are complicated and slow", the operators express

LOS CHILES, Costa Rica – Costa Rican tourist operators seemed to be interested in establishing legal routes towards Nicaragua through the San Juan River, but they stated that, before that occurs, speedy migratory mechanisms should be established as well as the rehabilitation of the Nicaraguan tourist infrastructure.

Esteban Cruz Cruz, representative of the Viajes Rio Frio Agency, expressed to BARRICADA that the most important obstacle they face is the complicated migratory processes, either in the Costa Rican side or the Nicaraguan's.

His agency offers trips to Caño Negro, Costa Rican territory and to San Carlos, in Nicaragua, "but the migratory processes are very slow and there is a lack of streamlining," he expressed.

Cruz waived the complaints of illegal tourist incursions to Nicaragua and pointed out that the definition of a wider bidding path for tourist packages to Nicaragua would be beneficial.

Population does not benefit from tourism

He pointed out that at least in this region of Los Chiles, tourist operators do not enter Nicaraguan territory, illegally, "maybe, on the other side, in the Sarapiquí area, people are forced to navigate across the San Juan River, but not around here", he commented.

Cruz added that the route to San Carlos, provided it is established, would also benefit the local commerce in Los Chiles. "Here, tourists only pass by", he expressed. "They arrive, take the trip and then leave, but do not stay overnight, they just eat snack food, but the population receives little benefit from them."

This promoter considers that charge of the tourist card that Nicaragua is making is affecting mainly the Costa Ricans, "who are interested in traveling to Nicaragua."

On the other side, Oscar Gutierrez, manager of another travel agency, considers that the ghost of the war in Nicaragua is another obstacle that depresses tourism.

Consulate would streamline the process

Gutierrez thinks that many of the border-related clashes occurring in relation to the tourist activity may be remedied provided both countries establish consulates here in Los Chiles and in San Carlos, in Nicaragua. "Also, a migration post would be established in the mojón (boundary stone), that would streamline our activity," he expressed. –

Both operators complained that the Costa Rican local Immigration Office is an obstacle, but the person responsible for the institution, Hammilton Henríquez, refused to make any comments to BARRICADA about the border situation.

Gutierrez considered that tourist infrastructure in the San Juan River zone "is good, but it should be restored and requires investment."

He pointed out that his agency could offer tourist packages towards San Carlos, Solentiname, San Juan del Norte, Granada and even Managua, provided Nicaragua had optimum water and ground transportation conditions and telecommunications.

From Los Chiles, tourists make a 4-hour trip along the Rio Frio to the area of Caño Negro, wherein an ecological reserve is located, whose price ranges from eight to twenty six thousand Colones.

The excursions to Nicaragua would also start from Puerto Viejo to Sarapiquí, where the boats cross the San Juan River to San Juan del Norte and then go back trough the same route.

Annex 128

"COSTA RICA DEMANDS NICARAGUANS TO WITHDRAW CHARGE ON THE SAN JUAN" IN *LA REPÚBLICA*, SAN JOSÉ, 17 MARCH 1994

TRANSLATION

COSTA RICA DEMANDS NICARAGUANS TO WITHDRAW CHARGE ON THE SAN JUAN

LA REPÚBLICA, San Jose, Thursday 17 March, 1994

Niehaus Sent a Diplomatic Note

The Foreign Affairs Minister informed that steps have been initialized to achieve a solution to the dispute, given that the stipulations of the Cañas-Jerez Treaty are being violated.

The Foreign Affairs Minister, Bernd Niehaus, demanded to the government of Nicaragua to cease charging a toll in the locality of La Trinidad across from the mouth of the Sarapiquí River along the San Juan River, since that area is protected by the regulations of the Cañas-Jerez Treaty.

The Sarapiquí flows into the San Juan River and according to the stipulations mentioned in the Cañas-Jerez Treaty, Costa Rica has the right to free commercial navigation.

He added that the government had begun to contact Nicaraguan authorities at the site mentioned, but to this date had not received a satisfactory response.

The minister sent a note to the Nicaraguan ambassador in San José, Alfonso Robelo, in which is indicated that according to the information in his government's power, the charges are taking place.

He detailed that, due to this, he had instructed "all of the Costa Rican authorities at the border area initiate negotiations with the Nicaraguan authorities there in accordance with Article six of the Cañas-Jerez Treaty".

According to the Foreign Affairs Ministry, the constant problems that have arisen due to the use of the San Juan River were the object of analysis of a bilateral technical group established by an Agreement between both governments on January 14th in San José.

Although the misunderstandings had apparently been resolved, the Foreign Affairs Ministry states that it still had not received a satisfactory response.

This week, Minister Niehaus had communicated with his counterpart Ernesto Leal in order to mention the country's concerns regarding the matter. Leal assured him that Nicaragua was not charging a toll on the waters of the San Juan River that they share.

Relations with Nicaragua have been tense during this week and Cardenal Miguel Obando y Bravo even denounced that the Agrarian Development Institute (Instituto de Desarrollo Agrario – IDA) was distributing land to farmers on Nicaraguan territory.

Annex 129

"FOREIGN MINISTERS WILL ANALYZE TRANSIT ON THE SAN JUAN" IN *LA NACIÓN*, SAN JOSÉ, 13 APRIL 1994

TRANSLATION

FOREIGN MINISTERS WILL ANALYZE TRANSIT ON THE SAN JUAN

LA NACIÓN, San José, 13 April, 1994.

The Foreign Ministers of Costa Rica, Bernd Niehaus, and of Nicaragua, Ernesto Leal, have scheduled a meeting before the change of powers in our country (May 8), to analyze the right of free transit that Costa Ricans have in the San Juan river, and settle several border problems.

Yesterday, when arriving at the session of the Government Council, held in the "Casa Amarilla" – to Commemorate the 150th anniversary of the creation of the Ministry of Foreign Affairs – Niehaus said yesterday that the Calderón Fournier administration will enforce respect for the Cañas-Jerez border Treaty, signed on April, 1858, by the governments of both countries, because Managua, he says, is "violating sovereign interests".

The dispute was caused at the beginning of last March, because Nicaraguans decided to charge $ 5 to every person coming from Costa Rica, who navigates on the San Juan. As a result of a note of protest that Niehaus sent to Nicaragua's Foreign Ministry, the Sandinista Popular Army (EPS) decided on March 22, that the charge would only be applied to persons from third countries, so that Costa Ricans remained exempt.

But Niehaus repeated that he does not agree with the measure because tourism is a commercial activity and – in his opinion – is contemplated by the border treaty.

The Foreign Minister believes that the decision to charge a "toll" to third persons, does not come from the Executive Power of Nicaragua, but rather from the military sphere. For this reason, he said, this will be one of the subjects that he will discuss with his Nicaraguan colleague in a future meeting, whose date has not been decided yet, because Ernesto Leal is traveling in Europe.

The Costa Rican Government hopes to discuss the issue of the San Juan with Nicaragua's Head of State, Violeta Barrios, on the 27th of this month, when she inaugurates the Nicaragua Park, in Zapote.

Greater Control

At the end of March, Leal announced that the Government of Nicaragua is preparing a program to "give more presence and control" in the zone of the San Juan River, through an increased police surveillance and installing migratory and customs posts along the waterway.

The press sub director of the Nicaraguan Foreign Ministry, David Silva, stated yesterday—upon being consulted by *La Nación*– that this program has not entered in force. He also pointed out that the Vice Minister of Foreign Affairs, José Palé, and a group of congressmen, visited the zone the week before last.

Silva explained that the police posts will be located in El Papaturro, El Castillo, Delta, and Sarapiquí. The migratory and customs posts will be operating in the first three places and in San Juan del Sur.

Annex 130

"NIEHAUS RULES OUT ARBITRATION" IN *LA NACIÓN*, SAN JOSÉ, 20 APRIL 1994

TRANSLATION

NIEHAUS RULES OUT ARBITRATION

LA NACION, San José, 20 April, 1994

Navigation in the San Juan River

Costa Rica will not turn right away to an international arbitration to settle the dispute with Nicaragua, concerning the free commercial navigation in the San Juan River, said the Minister of Foreign Affairs of our country, Bernd Niehaus.

When he was questioned about the actions that the Costa Rican Government could take, in case diplomatic conversations with his Nicaraguan counterpart, Ernesto Leal, do not succeed (the meeting will take place before the inauguration on May 8), Niehaus indicated that there could be an agreement between Foreign Ministers, without the need for a neutral instance to settle the dispute.

The conflict arose because of the decision of the authorities of the neighbouring country to charge – since early March - $ 5 to every person who navigates on the San Juan River, which partially delimits the border between Costa Rica and Nicaragua.

Afterwards, the Government of President Violeta de Chamorro modified this measure, after a note of protest sent by the Costa Rican Executive Power. As of March 22, the "toll" is in force only for non-Costa Ricans.

Nevertheless, our country rejects this provision, because it considers that it violates the right of free navigation in the river, for vessels with the national flag, as established in the Cañas-Jerez Treaty of Limits. Managua, on the other hand, interprets that tourism does not qualify as a commercial activity.

The most affected by this measure are the tourist entrepreneurs who use the waterway, who must pay that tax for each foreign visitor.

Niehaus clarified that the validity of the treaty with Nicaragua for the use of the river has never been questioned, as was suggested in the local media.

According to the Minister, Costa Ricans can exploit commercial activities – like tourism – in the San Juan River route, up to a few kilometres before reaching the place called El Castillo. However, the toll is paid in the confluence of the Sarapiquí River with the San Juan.

Congressman Edgar Ugalde, said that the meeting between the Foreign Ministers Leal and Niehaus could drive forward a solution to the problem. "Charging any kind of fee is not in accordance with the treaty, and modern doctrine interprets that a river is international all along its course", he explained.

He demanded that there should be a national commission—integrated by persons from different backgrounds—for the permanent study of border issues with Nicaragua.

Annex 131

"BORDER DISPUTE WITH NICARAGUANS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 16 JULY 1998

TRANSLATION

BORDER DISPUTE WITH NICARAGUANS
(Extracts)

LA NACIÓN, San José, Thursday 16 July 1998

Army impedes police from navigating

• Military complains that police travel armed

A new border dispute between Costa Rica and Nicaragua arose yesterday when the Nicaraguan army delivered an order impeding the Costa Rican police of the Northern zone to navigate the San Juan River with arms.

The order upset the government of Costa Rica which, since yesterday afternoon, claimed its right to free navigation of that river, which is the only route it has for providing food and relieving officers in four border posts located between La Cureña de Sarapiquí and Barra del Colorado.

The prohibition was ordered by Colonel Orlando Talavera, head of the Southern Military post (on the border with Costa Rica) with the support of Nicaraguan army leaders, stated last night the press secretary from that agency, Milton Sandoval.

"This measure was taken because our troops have detected the presence of armed Costa Rican police navigating the San Juan River", explained the military official.

However, the response of the Costa Rican Atlantic Command, based in Sarapiqui, was not delayed.

In the communications ledger of Costa Rican post Delta 14, it is registered that after the announcement of the Nicaraguan measure, an order was received from the Sarapiquí command stating: "The Nicaraguan police is neither allowed to touch Costa Rican soil."

A Necessary Step

Public Security Minister, Juan Rafael Lizano, told La Nación that yesterday afternoon he sent a note to the Nicaraguan Minister of the Governance, José Antonio Alvarado explaining the need for Costa Rican Public Force to navigate the San Juan.

"There are Costa Rican Police posts that are impossible to be reached by any way other than the San Juan, and we need to do so in order to change guards and supply our men with food."

He seemed distressed by Nicaragua's questioning of Costa Rican police traveling armed on its waterway transit. He emphasized that the arms are necessary for the guards due to the inhospitality of the area and given the amount of provisions being transported.

"The Cañas-Jerez Border Treaty (signed on April 15, 1858) gives us the right to navigate the San Juan River and states that the only exceptions to this are armed ships, and in this case they are not armed ships, but in reality this is about the arm that police use for their own safety", he stated.

He also stated that he did not know the reasons that moved the Nicaraguan government to take this measure. When he was asked about unofficial versions circulating implying that this was in retaliation for the increase in illegal Nicaraguan immigrants captured, he responded: "We are doing our job; yes, we have reinforced control measures and yes, it is true that the number of deportees has increased."

Nevertheless, he stated that he did not have the precise data regarding the number of daily deportations, although, based on information provided by the Delta 14 post in Sarapiquí, between June 17 and July 14, 54 undocumented people were detained, and on Tuesday alone, 14 more.

When questioned yesterday at noon, President Miguel Angel Rodríguez said that he was not aware of the situation but that Costa Ricans have full right to navigate the San Juan River.

Only with Permission

Nicaraguan Captain Milton Sandoval stressed that the Army was clear with the Costa Rican police in that, from now on, they must request permission from the Ministry of Defense to transit.

He affirmed that in order for this measure to be lifted, high level coordination will be required.

Yesterday Foreign Affairs Minister Roberto Rojas said that he will take advantage of his participation in the Foreign Affairs Ministers Meeting, which is an anteroom of a Presidential Summit in El Salvador, to dialogue this issue with his Nicaraguan counterpart, Emilio Alvarez Montalbán.

(...)

Prohibition causes surprise in policemen

Northern Region. The Nicaraguan authorities prohibition for the Costa Rican police to navigate the San Juan river took by surprised the national elements placed in the border posts, as La Nación found out yesterday in a tour through the northern border.

The lack of highways and roads in good conditions, force the members of the Costa Rican Public Force to enter Nicaraguan waters to reach the three vigilance posts located in Cureñita, La Tigra de Sarapiquí y Barra del Colorado, small villages located on the margin of the San Juan.

"We sincerely did not expect this decision", said Froden Monge Castro, officer of Delta 14 post, in Cureñita.

He, as well as the other policemen that in the police posts guard the border with Nicaragua, travel by boat daily –from Puerto Viejo de Sarapiquí- approximately one hour and 40 minutes, before commencing their daily work.

This is so because if they tried to reach Cureñita by land, the trip would take up to seven hour, by a road of trails practically impossible.

The same happens every time there are police relief from the ones that attend the post in Barra del Colorado. Their substitutes travel on the river up to two and a half hours, because if they had to use another route, it would take them more than double.
"For me this is new since I have not seen anything abnormal", said Ramón Mairena, whose humble wooden house is close by from the small post in Cureñita.

Ismael Pérez, officer of the neighboring country, said to be hopeful that the situation would resolve, so he could cross to Costa Rican soil to do his shopping "on Cheo Urbina's shop", as he has done it in the last eight years.

Annex 132

"ALEMÁN: TICOS OUT" (EXTRACT) IN *EL NUEVO DIARIO*, MANAGUA, 17 JULY 1998

TRANSLATION

ALEMAN: TICOS OUT
(Extract)

EL NUEVO DIARIO, Managua, Friday, 17 July, 1998.

He confirms they cannot navigate armed on the San Juan River

- Cuadra: the Foreign Ministers can resolve the problem
- Cañas-Jerez Treaty is clear: Only commerce
- Costa Rican newspaper links case with deportees

President Arnoldo Alemán said yesterday afternoon that the Government of Nicaragua communicated to the Costa Rican Government, that it will not allow the circulation of armed Costa Rican police in the national territory.

The relations between Nicaragua and Costa Rica are strained since last Wednesday, to such a point that the Nicaraguan Army prohibited the circulation on the San Juan River, to armed Costa Rican police officers, who used this river to patrol and to transport themselves to guard the furthest points of their territory.

"There has been a warning call from our side, because they (the ticos) have the right of navigation, but not armed whatever it might be. Armed only the Nicaraguan Army", said Alemán.

Vice president, Enrique Bolaños explained that Costa Rica's border police have military posts in some points of their territory which need food supplies, task that is done through the river, in small boats with armed soldiers.

"That is really a foreign army in our territory. They say they have the right, so they neither allow us to circulate armed, because they see this as a common zone.

A misunderstanding ?

On the other hand, the Head of the Nicaraguan Army, Army General, Joaquin Cuadra, informed yesterday that the problem started when Nicaraguan soldiers spotted armed Costa Rican police officers circulating in the San Juan River, without permission from Nicaraguan military authorities, as has been established.

After a seminar on the prevention of sexually- transmitted diseases and AIDS, General Cuadra said the problem at the Costa Rican border was a misunderstanding that started when a new chief of the Costa Rican civil guard, uninformed, started to navigate in the waters of the San Juan, unaware of the dispositions that both governments had made some years ago.

Among those dispositions, General Cuadra mentioned the escort made by Nicaraguan military of the Costa Rican police all through their journey along the San Juan River, so the Costa Rican police can relief troops and supply food to the officers stationed in border posts of Sarapiquí and Barra del Colorado.

For this journey, said the military chief, Costa Rican police officers were asked to travel unarmed, "which lately they were not observing, and they even entered without permission", said the General.

Ticos jump, but the treaty is clear.

"But we already put a stop to this; we cancelled the authorization for that circulation. We only have to sit down and discuss this situation to find a solution and facilitate the work of the border police of that country, that does not have another way to transit, except the river", said General Cuadra.

The Costa Rican guard, that patrol the border zone with Nicaragua, must go to places that are dangerous and difficult to reach by land, such as Sarapiquí and Barra del Colorado. That is why they use the San Juan river as a transit route. Colonel Orlando Talavera, head of the Nicaraguan army in the southern part of the country, ordered the impediment to circulate.

According to the Costa Rican newspaper La Nación , when high military authorities of that country learned of the restriction, they also ordered their border officers to prohibit the entry to that country of Nicaraguan soldiers.

The paper mentions that the Costa Rican Minister of Security, Juan Rafael Lizano, said that the decision of the Nicaraguan Army violates the Cañas-Jerez border treaty, signed between Nicaragua and Costa Rica on April, 1858, which allows the Costa Rican government to navigate in that river with any kind of arms, except with ship´s artillery.

It is no retaliation

General Cuadra explained that there should be an agreement between the Foreign Ministers of both countries to reinstate the permits for the Costa Rican agents to navigate in the river. Cuadra said that the cancellation of the permits is not retaliation for the numerous captures of undocumented Nicaraguans in Costa Rican territory on the last few days. La Nación mentions that between June 17 and July 14, the Costa Rican police have captured, only in Sarapiquí, 68 undocumented Nicaraguans.

This problem could be solved within the next few days, if the Foreign Ministers of Nicaragua and Costa Rica, Emilio Alvarez Montalván and Roberto Rojas, take advantage of their presence in El Salvador, where they attend meetings, prior to the summit of Central American presidents, in order to discuss those border problems.

(...)

Annex 133

"COSTA RICAN GUARD BANNED FROM NAVIGATING ON THE SAN JUAN RIVER WITH ARMS" IN *LA TRIBUNA*, MANAGUA, 17 JULY 1998

TRANSLATION

COSTA RICAN GUARD BANNED FROM NAVIGATING ON THE SAN JUAN RIVER WITH ARMS

LA TRIBUNA, Managua, Friday 17 July, 1998

The Costa Rican Civil Guard will not be able to navigate on the San Juan River with arms. The National Army issued the prohibition on Tuesday, and the sanction will remain until relations between both armed institutions normalize.

General Joaquín Cuadra Lacayo, chief of the National Army, was diplomatic about the matter: "It is a small misunderstanding that we hope to settle soon. "

This "small misunderstanding" was caused by a new Costa Rican military chief, assigned to the bordering zone with Nicaragua, who navigated in Nicaraguan waters with armed guards to relief the troops stationed in places near the river, without an authorization from the National Army.

General Cuadra Lacayo explained that "apparently, when they changed the chief in the area, the high-ranking officers of the Costa Rican Civil Guard did not inform the new officer about the real situation, and this caused the misunderstanding. We had to put a stop to this problem until we speak with the Costa Rican leaders."

However, Cuadra admitted that Costa Rican Civil Guard faces several difficulties to reach their surveillance posts, and the river is the only way to do it.

He added that Costa Rican officers were always accompanied by officers of the National Army. The Costa Rican arms were always guarded throughout the journey.

For many years, there have always been harmonious relations in that zone between the authorities of both countries. "We wish to maintain those relations", said Cuadra.

President Arnoldo Alemán backed the decision of the National Army. "Our warning is in the sense that they have the right to navigate in the river but not armed." Alemán was emphatic in stating that "only the Army can carry arms inside Nicaraguan territory". He ruled out the possibility to discuss this issue with his Costa Rican counterpart, Miguel Angel Rodríguez, today in El Salvador, where they are attending the meeting of Presidents of Central America and Mexico, called Tuxtla Gutiérrez II.

Annex 134

"PROHIBITION LIFTED" IN *LA NACIÓN*, SAN JOSÉ, 17 JULY 1998

TRANSLATION

PROHIBITION LIFTED

LA NACIÓN, San José, Friday 17 July, 1998

Navigation on the San Juan River

Costa Rican police protecting the border with Nicaragua will be able to travel through the San Juan River today with weapons in order to reach their guard posts in Cureñita, La Tigra de Sarapiquí and Barra del Colorado.

This was communicated in a press release issued last night by the Ministry of Public Safety stating that "at 6 PM, the Nicaraguan Defense Minister, Jaime Cuadra, communicated to Public Security Minister, Juan Rafael Lizano that free travel on the San Juan River was granted to the officers of the police force" of Costa Rica.

According to Cuadra, everything will be normalized "as it had been occurring for many years".

The prohibition lowered onto the national police began on Tuesday with the argument that they could not travel with weapons, causing the officers problems since they need to travel the river to bring food and medicine to their partners, as well as relieve them of their duty and change guards. The roads to reach this area are in such bad shape that it is difficult to get there and the journey lasts many hours.

Although Cuadra's decision was made at 6 PM, Nicaraguan president Arnoldo Alemán had defended the position of his country's army just hours before, according to an AFP news wire.

"Our warning is that there is a right to travel on the San Juan River, but unarmed", said Alemán in declarations to the press right before traveling to El Salvador to attend the Tuxtla Gutiérrez III Presidential Summit.

However, for Costa Rican Foreign Minister, Roberto Rojas, who is in El Salvador, the situation was a "misunderstanding"; a similar opinion was issued yesterday by Nicaraguan military leader, General Joaquin Cuadra, according to AFP, who stated that the incident "is nothing more than a misunderstanding about the manner in which military vessels are allowed to transit on the river".

Annex 135

"ALEMÁN REITERATES SOVEREIGNTY OVER THE SAN JUAN RIVER" IN *LA PRENSA LIBRE*, SAN JOSÉ, 23 JULY 1998

TRANSLATION

ALEMÁN REITERATES SOVEREIGNTY OVER THE SAN JUAN RIVER

LA PRENSA LIBRE, San José, 23 July, 1998

Managua. President Arnoldo Alemán declared yesterday that Nicaragua will not negotiate its sovereignty of the San Juan River, in the border with Costa Rica, and warned that its neighbors cannot claim "any dominion or possesion" in that area.

Alemán faced questions from reporters regarding the surprise cancellation – at the request of Managua – of a meeting that was scheduled to take place yesterday in the city of Liberia, where recent border incidents between both countries were to be analyzed.

Although he did not clearly explain the reasons for canceling the meeting, in which the Ministers of Defense from Costa Rica, Juan Rafael Lizano, and Nicaragua, Jaime Cuadra, the president made it understood that its government partially objected to the agenda presented by San José.

"The only thing that was asked from them was a clarification of the agenda that they wanted to discuss (…)that the transit of Costa Rican Police with light weapons that they might have on the San Juan River be requested", the president stated.

Last week, the Nicaraguan Army forbade Costa Rican vessels from traveling with armed police officers on the San Juan River, which belongs to Nicaragua but on which Costa Ricans have the right to navigate freely.

Army Commander-in-Chief, General Joaquín Cuadra, stated at the time that the right for Costa Rica to carry arms must be authorized by Nicaragua, at the request of the neighboring country.

This issue resulted in a new diplomatic friction, after the press attributed the Costa Rican Foreign Affairs Minister Roberto Rojas, as having said that the San Juan River was not Nicaraguan territory, provoking protest from his Nicaraguan colleague, Emilio Alvarez.

To this effect, president Alemán stated that Foreign Affairs Minister Alvarez "was very emphatic about stating that the dominium and true imperium of Nicaragua over the San Juan is not discussed" and that Costa Rica cannot travel with arms on that waterway.

Costa Rica "has the right to commercial traffic, but has neither dominium nor possession" in the area, which delineates part of the common borderline, he reiterated.

Alemán did not say if his government will accept rescheduling the Liberia meeting, although he clarified that Nicaragua is not looking to create further incidents with Costa Rica since "there cannot be any territorial problems between brother countries".

Annex 136

"NICAS ARE UNBENDING WITH POLICE" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 23 JULY 1998

TRANSLATION

NICAS ARE UNBENDING WITH POLICE
(Extracts)

LA NACIÓN, San José, Thursday 23 July 1998

Navigation of the San Juan River

- **The country expects a definitive response today**
- **Rodríguez holds an emergency meeting with ministers**

Managua. Costa Rica's rights to navigate across the San Juan River are limited and exclude the circulation of armed Costa Rican police along its channel, reiterated Nicaraguan Foreign Affairs Minister Emilio Alvarez, in declarations made to the press of the brother country.

In the last few days, Nicaraguan authorities have warned against the presence of Costa Rican agents entering the waterway with weapons, which partially defines the border. Costa Rica claims that it is necessary for Costa Rican police to travel with weapons since they are taking food and other provisions to the guard posts on the San Juan River bank.

Given the Nicaraguan position, the government of President Miguel Angel Rodríguez hopes that there will be a definitive response by Arnoldo Alemán's administration that will resolve the difficulty.

(...)

In declarations published yesterday by *El Nuevo Diario* in Managua, Alvarez reiterated that the total sovereignty of his country over the San Juan River as established in the Cañas-Jerez Border Treaty, which both nations signed in April 1858.

These comments were made after a bilateral meeting which was scheduled to take place yesterday in Liberia, Guanacaste (Costa Rica) was abruptly suspended.

The Nicaraguan Foreign Minister emphasized that Costa Rica has navigation rights that are limited to commerce alone and, as such do not include, according to the publication, the transit of armed police. It also mentioned that this is set forth in the Cañas-Jerez Treaty as well as the Cleveland Award (of 1888) which ratified the scope of the first treaty. (See map).

Costa Rican authorities defend the need for a group of police officers to travel on the river, every so often, in order to relieve their partners at the guard posts and bring them food. This new conflict took place on July 15 when Colonel Orlando Talavera, head of the Southern Nicaraguan guard post, ordered their passage to be forbidden with the support of Nicaraguan Army commanders.

(...)

Mistaken Reaction

For Costa Rican Foreign Minister Roberto Rojas, the reaction of the neighboring authorities is not justified since "no one has questioned that the San Juan River belongs to them". He stated that some press media from that nation (Nicaragua) attributed him with declarations he did not make that implied that he believed sovereignty over the river was not exclusively Nicaraguan, which spurred the controversy.

Regarding the reaction of his counterpart, Emilio Alvarez and Defense Minister Jaime Cuadra, Rojas stated: "They are not making any effort to maintain the relationship that we would like to exist between both countries."

Cuadra was the one who cancelled the Liberia meeting at the last minute, and attributed his decision to the fact that Costa Rica pretended to impose the agenda. "The Ticos must understand that the river belongs to Nicaragua. They only have the right to navigate it unarmed and with our authorization", Cuadra told the *La Tribuna* newspaper.

Former Foreign Affairs Vice-Minister (to Costa Rica) Rodrigo Carreras, an expert in International Relations stated that the aforementioned treaty (Cañas-Jerez) expressly forbids the navigation of vessels of war, which are defined as being equipped with, at least a submachine gun, not regulation weapons, such as those that the Costa Ricans police carry.

He stated that, historically, police have always circulated on the San Juan River and does not remember having had any problems due to that situation.

Annex 137

"COSTA RICAN PRESIDENT SUSPENDS VISIT" (EXTRACTS) IN *EL NUEVO DIARIO*, MANAGUA, 24 JULY 1998

TRANSLATION

COSTA RICAN PRESIDENT SUSPENDS VISIT

(Extracts)

EL NUEVO DIARIO, Managua, Friday, 24 July, 1998

Feigns anger due to crisis in the San Juan River

- They want to navigate armed in another's waters
- Will miss the inauguration of EXPICA
- Meeting between authorities in San José airport fails

San Jose.- The President of Costa Rica, Miguel Angel Rodriguez, cancelled his trip to Nicaragua planned for Friday due to a border dispute with Nicaraguans, his press office stated.

"The President will not travel to Nicaragua," journalist Arturo Cartín, from the press office, declared to Reuters. Rodriguez made his decision late afternoon, when a meeting between representatives of the Ministry of Security of Costa Rica and officers of the Nicaraguan army in the Juan Santamaria airport in San Jose, ended with no results.

The purpose of that meeting was to try to find a solution to the dispute in the common border, measuring 320 kilometers in length, where during the last weeks Nicaragua has conditioned Costa Rican navigation along the San Juan River.

(...)

Meeting with no progress

The disagreement over the navigation along an important stretch of the San Juan, which flows into the Caribbean, began after the Nicaraguans prohibited Costa Rican civil armed policemen's navigation.

At the end of the five hour long meeting in the airport, the Minister of Security of Costa Rica, Juan Rafael Lizano, declared that there had been no progress and the parties were staunch in their positions.

"Nicaragua demands that every time a Costa Rican patrol intends to navigate the San Juan River, it needs to inform the Nicaraguan authorities," Lizano said.

Nicaragua demands as well that, in case a Costa Rican official vessel is authorized to navigate, a Nicaraguan officer must travel in the boat, he added.

"Although the negotiations are still ongoing, Costa Rica's position is to not accept the conditions imposed by Nicaragua," stated Lizano.

Costa Rica has the right to navigate the San Juan River freely, in perpetuity, under the Cañas-Jerez Treaty, signed in April of 1858.

Only commercial navigation allowed

Nicaragua, however, argues that the treaty refers only to free commercial navigation and not the transit of armed policemen. The San Juan River begins in Lake Nicaragua and completely belongs to that country but in more than half of its trajectory, forms a natural boundary with Costa Rica.

Costa Rica has repeatedly alleged that the navigation of vessels of the Ministry of Security is essential to national interests since there are several civil police posts which can only be accessed through the river.

Neighbors from the Costa Rican town of Los Chiles, in the southern bank of the San Juan, told Channel 7 that the Nicaraguan provisions arose from the problem of hundreds of Nicaraguans who daily cross to Costa Rica illegally through different points along the border.

"The presence of Costa Rican troops has somehow become an obstacle for those Nicaraguans who want to cross over and the Nicaraguan authorities do not like that; they have reacted by restricting navigation," stated a neighbor, who requested not to be identified.

Annex 138

"COSTA RICA EXHIBITS ITS 'ARMY' ON THE SAN JUAN RIVER" (EXTRACTS) IN *LA PRENSA*, MANAGUA, 26 JULY 1998

TRANSLATION

COSTA RICA EXHIBITS ITS 'ARMY' ON THE SAN JUAN RIVER
(Extracts)

LA PRENSA, Managua, Sunday 26 July, 1998

(...)

Chamorro (the Nicaraguan Tourism Minister) stated that he is not opposed to Costa Ricans using the San Juan River for tourism since this is part of modern commerce; however, he does not agree in that the Costa Rican police should be armed when they travel along the river.

(...)

Annex 139

"CHAMORRO OBJECTS TO PATROLS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 27 JULY 1998

TRANSLATION

CHAMORRO OBJECTS TO PATROLS
(Extracts)

LA NACIÓN, San José, Monday 27 July, 1998

(...)

Police Contrast

The designated Defense Minister stated that in contrast to the Costa Rican Police, the Nicaraguan Army officer that accompanied them during the tour of the river "was traveling totally unarmed". He stated that he is not opposed to Costa Ricans using the San Juan for tourism purposes, because, according to him, that is modern commerce; however, he expressed his disagreement to their traveling heavily armed.

(...)

On July 16, the Nicaraguan authorities forbade armed Costa Rican police from navigating the San Juan, a task that they performed in order to change guards and bring food to the guard posts that the Police has in the area.

The foreign affairs ministers from both nations are scheduled to meet this week in Managua to resume talks. However, the date for this meeting has not yet been established.

Annex 140

"ALEMÁN: 'I COULD TAKE UP THE ARMS'" (EXTRACTS) IN *EL NUEVO DIARIO*, MANAGUA, 30 JULY 1998

TRANSLATION

ALEMAN: "I COULD TAKE UP THE ARMS"
(Extracts)

EL NUEVO DIARIO, Managua, Thursday, 30 July, 1998.

To Defend Our Sovereignty, he says

- If it is necessary to use the Army, he will
- The Costa Rican delegation arrives today to Nicaragua
- Nonetheless, the conflict has no sights of solution

If the Costa Ricans do not respect Nicaragua's sovereignty over the San Juan River, President Arnoldo Alemán is willing to take up the arms together with the members of the Nicaraguan Army, said the President himself in the city of Jinotega, after a trip through different rural communities.

- How do you interpret the phrase about defending sovereignty with guns in hand?

"If we need to make use of the institution of the armed forces of Nicaragua, we shall make use of them ".

- Would you also take up the arms yourself, doctor Alemán?

"We don't necessarily have to do it, because that is why there are institutions, but if it is necessary to defend our country, I will do it", answered the president in an emphatic tone.

(...)

Nothing to talk about

Yesterday, the president went on a trip that took him through towns of Matagalpa and Jinotega, where he repeated General Sandino's phrase: "The sovereignty of a nation is not something that is discussed, it is defended with arms in hand", when he referred to the way that the problem with our southern neighbours must be dealt with.

(...)

A DIFFICULT STARTING POINT

In the meantime, a delegation from the government of Costa Rica, headed by the Minister of Public Security, Juan Rafael Lizano, is expected this morning by Nicaraguan authorities, to begin a new round of conversations about the border conflict in the San Juan River.

The conversations have a difficult starting point, because the government of Nicaragua has warned that they will not allow armed Costa Rican police officers to navigate in the river, while Costa Rican authorities say they will defend the circulation of their armed forces through the river, carrying their service arms.

With that opposing agenda, authorities from both countries had a first meeting last week, without making any progress.

"The object of my negotiation is to achieve that our Public Force can navigate in the river with their service arms. That is the only problem we have, and that is my position. We cannot back out," said Lizano to the Costa Rican media.

The foundation of Costa Rica's arguments is supported by article four of the Cañas-Jerez Treaty that establishes joint obligations for both countries concerning the defence of Bahía de San Juan del Norte in the Atlantic, and Bahía de Salinas in the Pacific.

"The Bay of San Juan del Norte, as well as the Salinas Bay, shall be common to both Republics, and, therefore, both the advantages of their use and the obligation to contribute to their defence shall also be common. Costa Rica shall be bound, as far as the portion of the banks of the San Juan river which correspond to it is concerned, to contribute to its custody in the same way as the two Republics shall contribute to the defence of the river in case of external aggression; and this they shall do with all the efficiency within their reach", establishes article four of the Treaty.

(…)

Annex 141

"BORDER AGREEMENT WITH NICAS" IN *LA NACIÓN*, SAN JOSÉ, 31 JULY 1998

TRANSLATION

BORDER AGREEMENT WITH NICAS

LA NACIÓN, San José, Friday, 31 July, 1998

Army guards will keep watch over river passage

Managua. Costa Rican police will be able to travel with regulation arms on the San Juan River, provided they report themselves to the Nicaraguan border posts and travel with Nicaraguan military escort boats.

This was agreed yesterday in this capital after a meeting of nearly five hours, at the Defence Ministry, between the Minister of Defence from Nicaragua, Jaime Cuadra, and the Minister of Public Security from Costa Rica, Juan Rafael Lizano.

The decision, which was signed on a two-page document, ended two weeks of diplomatic tension in which Costa Rica warned to be willing to turn to international courts and Nicaragua insinuated that it could use arms to defend its sovereignty.

In the declaration, read at 4:15 PM at the Augusto Cesar Sandino Airport, Costa Rica reiterated its respect for Nicaragua's sovereignty over the San Juan River while at the same time this country recognized Costa Rica's right to navigate freely on this waterway, between the mouth of the Caribbean Sea and Castillo Viejo.

Costa Rican vessels will also be able to navigate changing guards and transporting supplies to border patrol posts, when, for some reason, a Nicaraguan boat is not able to escort them. However, they must report themselves to the Army posts.

Since July 16, the Nicaraguan government had forbidden the transit of armed Costa Rican police on the San Juan River claiming absolute sovereignty of its nation over the waterway.

Costa Rican authorities rejected the measure because they considered that the Cañas-Jerez Treaty of Limits of 1858 and the Cleveland Award of 1888 perpetually guarantee free navigation for commercial and fiscal control purposes.

In this case, police navigate the river in order to take supplies to four border guard posts belonging to the Costa Rican Police, which are extremely difficult to access by land.

Warning and Escorts

"We will leave with our boats and inform the Nicaraguan government. If they want to send a boat to escort us that is fine and if not that is also fine. Nicaragua has the right to transit on the river and can do so whenever it wants", Lizano responded after signing the agreement, during a press conference at the Airport Protocol Salon.

When faced with questions from Nicaraguan reporters Cuadra denied that the agreement took away sovereignty from the country. "Costa Rica has always transited on the river and they are not being denied the right to travel on it and no one is taking away the fact that the river belongs to Nicaragua".

The agreement was surprising, given that both parties had demonstrated rigidness in defending their points of view and even the government of Costa Rica did not foresee great results from the meeting.

In a technical-military meeting in San José on July 23, Costa Rica rejected a Nicaraguan petition to allow Costa Rican boats to travel on the river unarmed and with a Nicaraguan guard aboard, although it accepted reporting its movements.

According to Lizano, the proposal that ended the dispute orose yesterday during the session and was consulted with the presidents of Nicaragua, Arnoldo Alemán, and Costa Rica, Miguel Angel Rodríguez.

"I am very happy because the solution to this conflict occurred as a result of dialogue. Speaking face to face and with respect is the way one may reach agreements", declared the Costa Rican president.

Afterwards, through a press release, the Presidential Office informed that Rodríguez spoke on the telephone with Alemán letting him know that he was very satisfied that they had overcome the frictions.

Overly exaggerated

Lizano always considered this to be a minor problem that was needlessly inflated. "No one has won or lost here. What we have won here is for both countries to live at peace, to travel on the river and to be together".

Former Foreign Affairs Minister, Rodrigo Madrigal Nieto (1986-1990) reiterated that during this century it did not make much sense to overly exaggerate small border disputes and invoke nationalistic emotions in the defence of their waters, as did some Nicaraguan authorities.

He referred to the agreement as a graceful exit. "When one reads this agreement, which first states that Costa Ricans must travel with Nicaraguan escort vessels, but if that were not possible, could equally travel on the river alone, it gives the impression that when the tension diminishes everything will be the same as before".

Annex 142

"NICARAGUA FORFEITED" (EXTRACTS) IN *LA PRENSA*, MANAGUA, 31 JULY 1998

TRANSLATION

NICARAGUA FORFEITED

(Extracts)

LA PRENSA, Managua, Friday, 31 July, 1998

Costa Ricans will keep on navigating across the San Juan River with weapons

The confrontational tone and warnings of President Arnoldo Alemán to "take up arms" to defend sovereignty remained just that: simple words and it's all just bravado, when yesterday, the president accepted armed navigation across the San Juan River by the Costa Rican Guard.

Although it has some restrictions, Nicaragua's government accepted the transit by Costa Rican Public Forces across the natural border of San Juan River, bearing service arms, but with previous authorization by the Nicaraguan Authorities.

In spite of the fact that the tico delegation accepted also the custody by Nicaraguan authorities, in the moment that they navigate across the river, it "can only be made" from boats owned by Nicaraguan public forces, whenever the capacity required thereto is available.

(...)

The Nicaraguan Deputies launched a savage attack on the agreement made between the *tico* Ministry of Security, Juan Rafael Lizano, and the Nicaraguan Ministry of Defense, Jaime Cuadra, after three hours of negotiations in Managua. Legislators warned that the agreement may be ratified by the Nicaraguan Parliament.

(...)

President: "it's the media's storm"

In spite of the questioning against the negotiations, president Alemán justified the new position adopted by Nicaragua "because they recognized our sovereignty".

"I believe that what we have done is to place stairs so that they can get out of the storm, which, in many cases, was the media's storm. We haven't yielded at any time; they must consult and notify us to navigate in such a way", the president pointed out, by specifying that the Army has the capacity to implement this type of custody.

(...)

Annex 143

"AGREEMENT TENDS TO CONFIRM NICARAGUAN SOVEREIGNTY IN THE SAN JUAN" IN *LA PRENSA*, MANAGUA, 1 AUGUST 1998

TRANSLATION

AGREEMENT TENDS TO CONFIRM NICARAGUAN SOVEREIGNTY IN THE SAN JUAN

LA PRENSA, Managua, Saturday, 1 August 1998

When read carefully and dispassionately, the main points of the agreement signed by Ministers Cuadra and Lizano regulating aspects of navigation by the Costa Ricans in the San Juan River, far from handing over our sovereignty, they impose healthy rules on Costa Rica which prevent any abuse on the part of the Costa Ricans in our national waters.

In order to fully comprehend the agreement and its implementation, each of its main points should be transcribed and analyzed, as follows:

First point

"The Costa Rican police force that relieves police and provides supplies for the border posts will navigate the San Juan River carrying service arms once the corresponding notice has been given and they will be accompanied by Nicaraguan authorities navigating in their own vessels.

Nicaraguan sovereignty is herein fully respected. The Costa Rican police set sail after having informed the Nicaraguan authorities – a sign of respect for our full right over the river in its entirety – and under the surveillance of Nicaraguan vessels. In other words, if the Costa Rican police are carrying arms or supplies strictly for police use, they should inform Nicaragua beforehand and, furthermore, allow close surveillance of their movements along the river.

Let it be remembered that, according to international law, Costa Rica has the right to navigate the San Juan and supply her police posts on the Costa Rican bank, and Nicaraguan controls remain absolute and do not accept any misgivings or debate in this regard. Prior notice must be given and, moreover, the Costa Ricans will be under surveillance to confirm that are carrying out a police logistics operation under Nicaragua's watchful eye. The word "regulation" does not refer here to any vessel, but only to the Costa Rican police. Nobody can be misled in this regard.

Second point

It is evident that, on banning armed Costa Rican ships on the river, the Cañas-Jerez Treaty refers to war vessels, not to police detachments, which, naturally, cannot travel unarmed.

If the Nicaraguan authorities do not accompany the armed Costa Rican police patrols in their vessels, the latter may undertake the journey making the required reports to the Nicaraguan authorities during the length of their journey along the waters of the San Juan River. The phrase "Costa Rican armed patrols" could give rise to suspicion, however, there is no doubt that the agreement refers simply to the relieving of the minor police groups who every now and then must be armed at those posts. It is worth noting that these groups should give prior notice to Nicaragua of their mobilization and allow Nicaraguan vessels to accompany them. If the Nicaraguan vessels do not accompany them they should still report to the Nicaraguan posts that safeguard our absolute sovereignty over the river, in other words, Nicaragua will always have prior or immediate notice of these police movements.

Third point

The mechanisms for implementing the agreement will be determined at a subsequent meeting of high ranking officers from the Nicaraguan military authorities and the Costa Rican police force.

This point indicates that this agreement is only an initial version which needs to be improved upon but that contains two fundamental acceptances made by Costa Rica. These are that Nicaragua reserves the right to be informed of and approve every detail regarding the movements of supplies to Costa Rican garrisons on its side of the river and to keep watch over their vessels during those movements within the river's waters, which constitute national territory.

Nicaragua has two very good advantages and these are that it could charge Costa Rica appropriate sums for allowing these police patrol relief operations and that foreign tourists transported by the Costa Ricans along the river, on seeing the Nicaraguan patrols, will realize that the Costa Ricans are transporting them along a river that does not belong to them.

Annex 144

"AGREEMENT CRITICIZED: NEW PRACTICES CAN BE DANGEROUS" (EXTRACT) IN *LA PRENSA*, MANAGUA, 1 AUGUST 1998

TRANSLATION

AGREEMENT CRITICIZED: NEW PRACTICES CAN BE DANGEROUS

(Extract)

LA PRENSA, Managua, Saturday, 1 August, 1998

The President of Nicaragua explained the contents of the Joint Communiqué as follows: "this is neither an agreement nor anything that has an obligatory sense; it is only a communiqué that serves as a guideline between two neighbouring countries that face a misunderstanding"

Annex 145

"GENERAL CUADRA AVOIDS COMMENTING ON THE SAN JUAN RIVER" (EXTRACTS) IN *LA TRIBUNA*, MANAGUA, 1 AUGUST 1998

TRANSLATION

GENERAL CUADRA AVOIDS COMMENTING ON THE SAN JUAN RIVER

(Extracts)

LA TRIBUNA, Managua, 1 August, 1998

The Army Chief, General Joaquin Cuadra, avoided answering direct questions on that institution's stance regarding the agreement subscribed between Nicaraguan and Costa Rican authorities granting the neighboring country's Civil Police the right to navigate the San Juan River armed.

"We are an obedient army; it is one of our greatest achievements," Cuadra said. When consulted if that meant he accepted the bilateral agreement, he answered: "That's another matter."

The sources consulted affirmed that the high Army commands did not agree with the agreement reached by the Executive Power of Nicaragua with Costa Rican officials. Proof of that is that during the negotiations between the Minister of Defence, Jaime Cuadra, and the head of Public Security in Costa Rica, Rafael Lizano, many high officials left.

"It is not our place to say whether or not we agree. In the first place, it was not us who were going to sign. It is a political document drafted by the country's political authorities, who are the ones who must face public opinion," stated Cuadra.

(…)

The military Chief declared that the Army would comply with their part, item three of the statement, that stipulates a meeting in the near future between Nicaraguan military authorities and the Costa Rica Civil Guard to define the procedures for the mobilization of Costa Rican vessels on the San Juan River.

These vessels supply border posts and transport police for relief of the guard.

"We will take extra care so that Nicaraguan sovereignty is not affected and the rights of Costa Ricans navigating the river are respected," added Cuadra.

The Costa Rican Civil Guard will be able to navigate with its issued service arms, M-16 rifles, according to the agreement reached by both countries. He explained that before the conflict, the Civil Guard were allowed the use of arms for self-defense purposes, since if they were disarmed, they would exposed to delinquents but, he said, now any transit will be under strict Nicaraguan supervision.

Cuadra affirmed that the conflict due to armed navigation on the River began with the new Costa Rican administration, since the Civil Guard began to navigate armed without requesting previous authorization in the Nicaraguan border posts. "The problem began when the Army decided to stop the transit of Costa Rican authorities. Now the problem is solved when the Costa Ricans have accepted to request permission, recognizing the sovereign right that Nicaragua has over the river and (accept) to submit to the dispositions that Nicaragua imposes for the navigation on the River," he stated.

For Cuadra, the most important aspect of the statement issued by both countries is that "the Army will determine the mechanism, the how, when, where and why the River will be navigated.

"They will have to request authorization, to do it previously and will be accompanied during their trip by Nicaraguan border patrols. The Army is under full capacity to accompany them; the journey of the relief is short– a distance of about 15 kilometers."

(...)

Annex 146

"NICARAGUA: ALEMÁN SUGGESTS CIVIL GUARD NOT TO NAVIGATE THE SAN JUAN" IN *DEUTSCHE PRESSE AGENTUR*, 4 AUGUST 1998

TRANSLATION

NICARAGUA: ALEMAN SUGGESTS CIVIL GUARD NOT TO NAVIGATE THE SAN JUAN

Deutsche Presse Agentur, 4 August, 1998

Managua,(dpa) After a two-day trip through that region, the Nicaraguan President, Arnoldo Alemán affirmed today that Costa Rican Civil Guard do not need to navigate in the San Juan supply their surveillance posts at the border with Nicaragua, which was the setting of a recent disagreement between both nations.

In his statements to the press, Alemán said that Costa Rican guards have "facilities" in their territory to take supplies to their border posts by land, without entering into the waters of that water way, which belongs to Nicaragua.

The president added that during his visit to several Nicaraguan military posts in the San Juan River, he verified that Costa Ricans can take supplies and relief their guards through the road network they have in their own territory, which would avoid frictions with Nicaraguan military authorities.

"After seeing those facilities, they should use their paths and roads", suggested the president.

Alemán explained that his government will not "revoke" an act of commitments, signed with Costa Rican authorities, on 31 July, on regulations for navigation in the San Juan River, and he also said: "you cannot revoke your own authority."

The president described the border agreement, signed last Friday in Managua, as a "prove of good will", and he added that Costa Rica's argumentations to justify that their public force navigate the river armed, "are not so valid".

He also announced that he ordered Nicaraguan military authorities to regulate the border agreement, but he warned that in the meantime, it will not be allowed the navigation of any Costa Rican vessels with armed police through the San Juan River.

However, he ruled out putting restrictions to commercial navigation between both countries.

The chief of staff of the Army, Major General Javier Carrión, informed that he would arrange a meeting with Costa Rican authorities, for next week, to discuss various aspects of the border agreement.

During his two-day trip through the border zone with Costa Rica, Alemán was accompanied by several ministers and military authorities. The president visited the towns of San Carlos, El Castillo, and San Juan del Norte, as well as several military posts.

Annex 147

"NICARAGUAN HOSTILITY WORSENS" IN *LA NACIÓN*,
SAN JOSÉ, 4 AUGUST 1998

TRANSLATION

NICARAGUAN HOSTILITY WORSENS

LA NACIÓN, San José, Tuesday 4 August, 1998

Alemán toured the San Juan River

Access is prohibited to Costa Rican press on tour

Boca San Carlos (San Juan River). The president of Nicaragua, Arnoldo Alemán, took advantage of a border tour of the river yesterday to insist before the local press that he is ready to give up his life in order to defend the national sovereignty while the Army forbade a group of journalists from this newspaper from entering the river.

Alemán began his tour at 9 AM at the Nicaraguan port of San Carlos, where he made these statements to the Nicaraguan media on the tour with him. At 12:20 PM, the nine boats comprising his party passed in front of Boca San Carlos and stopped for 15 minutes at the military post, located at the left margin of the San Juan River.

Two hours earlier, at this same place, Lieutenant Edin Lagos, radioed his superiors in order to ask about the possibility for the La Nación team to join the party and the response was a curt: "We have nothing to do with them. Let them go back to their country," responded the military official on the radio.

This measure is part of a series of new restrictions that yesterday affected all Costa Rican vessels that needed to navigate on the San Juan. Many boatmen denounced that for any type of trip, they were required to request permission from the Army, and they even warned one of them that he had to take the Costa Rican flag off of the boat in order to circulate on the San Juan.

President Aleman's warning and the navigation restrictions occurred only three days after a bilateral agreement was signed in Managua allowing boats from Costa Rica's Public Security to circulate with armed police on the river, after receiving authorization from the neighboring country's military and with the possibility of having military escorts on their own vessels during their trip.

With Weapons

When he spoke with journalists from his country, Alemán reaffirmed his speech regarding sovereignty. "We are a peaceful people; we think in civility but we have the bravery to defend, as General Sandino once stated, the sovereignty of a country with a rifle at hand (…) and if it is necessary for us to give up our own lives then we shall also do so", he affirmed.

The leader, who circulated on the river escorted by most of his government ministers, also assured at the beginning of the tour that the delegation hadn't arrived to the river to demonstrate "bellicosity or preponderance." He then added: "We can travel on the San Juan River, with the Army and the police, either armed or disarmed."

But Alemán went a step further, and clearly alluding to Costa Rica, warned: "Any country or person with strange ideas or who tries to have participation of the river (has to) be told that we Nicaraguans know how to defend the sovereignty of a country".

This climate of hostility towards Costa Rican positions with which the president began his trip, characterized the entire tour.

This was confirmed by an order that Costa Rican Police located in the small village of Boca San Carlos communicated to every boatman and inhabitant who arrived in the area.

The Army prohibited all navigation on the San Juan River between noon and 5 PM. On the other side of the river, the military not only ratified the order, but also extended it from 9 AM onwards.

A Costa Rican boatman who requested to remain unidentified, acknowledged that yesterday the measure was understandable, to provide the president more security, but objected that each time that he had to circulate on the river, although the right to free navigation was already established, they had to request permission at each Military post and many times had to pay a fee for doing so.

Annex 148

"NICARAGUA HARDENS ITS POSITION" (EXTRACT) IN *LA PRENSA*, MANAGUA, 5 AUGUST 1998

TRANSLATION

NICARAGUA HARDENS ITS POSITION

(Extract)

LA PRENSA, Managua, Wednesday, 5 August, 1998

Costa Rican navigation will be submitted to severe restrictions in the San Juan River

The Vice-President of the Republic, Eng. Enrique Bolaños, said yesterday that the agreement signed between the governments of Costa Rica and Nicaragua regarding the border conflict between the two countries has no validity until the Executive Power does not regulate under what conditions the police or civil guards of Costa Rica can navigate the San Juan River with their service arms.

Bolaños assured that although there was still a lot of work to cover for that agreement to be implemented by the two countries, it specifies that Costa Rican police will be able to navigate the waters of the San Juan River armed, subject to what Nicaragua imposes on them.

(…)

Annex 149

"SPECIAL COMMISSION IN CHARGE OF THE SAN JUAN" IN *LA PRENSA*, MANAGUA, 6 AUGUST 1998

TRANSLATION

SPECIAL COMMISSION IN CHARGE OF THE SAN JUAN

LA PRENSA, Managua, Thursday, 6 August, 1998.

Vice-president named to chair it

Vice-president, Eng. Enrique Bolaños, was designated by President Arnoldo Alemán, to chair a committee that would write the regulations or the rules of the game, of the agreement signed by the Ministers of Defense of Nicaragua and Costa Rica, on the navigation of Costa Rican public forces in the San Juan River.

The committee will be formed by the Minister of the Interior, Minister of Foreign Affairs, the Vice Minister of Defense, the Nicaraguan Army, "and as many as needed", said the Vice-president.

During a trip through the zone of the San Juan River, a government delegation was informed by the Army that Costa Rican police do not require to transit along the San Juan River to relief troops, because they have good access roads.

In this respect, President Alemán said the regulations would take into consideration the condition of the roads during the rainy season, and that they would be "humanitarian" in that aspect.

"In that case we could allow navigation, but under our rules. If the Costa Ricans do not accept the regulations, let them find a plane to transport their people", said the president.

Some politicians commented that the regulations would solve the flaws in the agreement. In many cases the Government is trying to get a new arrangement.

Vice-president Bolaños did not rule out a referendum to see the case of the San Juan River, and he encouraged the people to send their suggestions as to which would be the conditions to allow the passage of armed police officers through the river.

"We want to regulate to the satisfaction of the Nicaraguans", said the Vice-president.

Eng. Bolaños said that he already began to write a draft document that includes the aspects that should be regulated, that would be the conditions under which the Costa Rican police may navigate the river.

"These are preliminary ideas. They (the ticos) want to go through your territory armed. What conditions should you put to them? Well, in extreme situations, in cases of emergency, in those situations, you ask my permission, you let me know who will go through, you send me their passports, if they are armed, you describe the type of arms, the models, series, number, at what time they are leaving, at what time they are going back", said Vice-president Bolaños.

Another idea of Bolaños, is that Nicaraguan custodians should accompany Costa Rican boats, either in the Costa Rican vessel or in a boat, that would navigate parallel to the one from the southern neighbor.

"Nicaragua is in no hurry to write the regulations, if anyone needs to go through there
(San Juan River), we will say: You will pass through my patio, under the conditions that I say", stated the Vice-president.

Meanwhile, through the Costa Rican paper La Nación, Costa Rican experts recommended President Miguel Angel Rodriguez, to be prudent about the handling of the San Juan River issue.

Former Vice-minister of foreign affairs, Rodrigo Carreras, told La Nación: "We must be very prudent, because our neighboring country could overreact because of an oversize of their domestic problems."

On the other hand, Maria Antonieta Vitola, with a doctorate in Political Sciences, advised "not to confront directly with Alemán to avoid heating-up the situation."

According to the paper, the government of Costa Rica was not informed of those recommendations, but the prudence advised is the strategy to be followed by the Rodriguez administration.

Rodriguez and Alemán will meet on Friday in Colombia, during the inauguration of the president of that South American country.

Bolaños did not specify the date or the place for the meeting of the Costa Rican and Nicaraguan delegations for the regulation of the agreement; he just said it would be soon.

The agreement was signed by the Ministers of Defense of both countries, on 30 July.

In his statements, the Vice-president asked the media not to call San Juan del Norte, Graytown, because that is the name the English used when they tried to seize that place.

Annex 150

"NICARAGUA WOULD CHARGE VISA TO COSTA RICAN POLICEMEN" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 6 AUGUST 1998

TRANSLATION

NICARAGUA WOULD CHARGE VISA TO COSTA RICAN POLICEMEN

(Extracts)

LA NACIÓN, San José, Thursday 6 August, 1998

Army denies passage to Costa Rican patrol boat in Boca de Sarapiquí

Paying the cost of a visa, carrying a passport, submitting an arms registry and requesting permission days beforehand, are some of the conditions that Costa Rican police must comply with when they navigate on the San Juan River, Nicaraguan Vice-President Enrique Bolaños announced yesterday.

The announcement was made a few hours before he was designated chief of the governmental delegation in charge of "regulating" the bilateral agreement that will govern the navigation of the Costa Rican Public Force on the bordering river.

(...)

Official Regulations

Enrique Bolaños, who will be the coordinator of a commission to "regulate" the bilateral agreement, dictated his judgment beforehand and assured that visa payments and passports will be demanded to the Costa Rican police.

"These are some of the things that need to be regulated and if the Costa Ricans do not accept or do not follow the regulations that the Executive Power of this country will place on this agreement, then they simply will not be able to pass through this territory", warned Bolaños.

He also assured that, until this regulation is ready, Costa Rica will not be able to use the San Juan. According to his criteria, the agreement establishes that if there is no vessel from Nicaragua available to escort the Costa Rican Police, they will not be able to circulate on the river.

Passage Impeded

The investigation into the death of an 11 month-old minor in Fátima of Sarapiquí, provoked the refusal from Nicaragua Army officials for the Costa Rican Police patrol from circulating along the San Juan.

The incident occurred last Tuesday at noon when a judge from Sarapiquí, Patricia Cuera, a fiscal agent, a public defender and two officials from the area Organism of Judicial Investigation (OIJ), traveled to the location on an official vessel, but when they reported themselves to the Nicaraguan guard posts, at the Boca del Sarapiquí, they refused to authorize their passage.

This was confirmed to La Nación both by Cubero as well as by the judicial policeman Pompilio Campos, who had to return and request help from a private boatman in order to reach the place.

Cubero affirmed that the Nicaraguan military officers treated them coldly and curtly and that they did not even want to hear any reasons, they simply denied that the official vessel, conducted by an unarmed police officer, use the river.

(…)

Annex 151

"TICOS WILL PAY THE PRICE" IN *LA TRIBUNA*, MANAGUA, 6 AUGUST 1998

TRANSLATION

TICOS WILL PAY THE PRICE

LA TRIBUNA, Managua Thursday, 6 August, 1998

Vice-President Bolaños prepares regulation on navigation

Vice-President Enrique Bolaños declared yesterday that "the government of Costa Rica will be demanded some conditions to navigate the San Juan River armed" and one of them will be to pay the cost of the escorts who will accompany them throughout their route.

"I remember when I traveled to Panama that when I entered Costa Rica, I had to have an escort and pay him breakfast, lunch and dinner until I reached the border with Panama," Bolaños stated.

The Vice-President was assigned by the president as Chair of the commission which will prepare the Costa Rican navigation regulations on the San Juan River. After his designation, he declared that globalization cannot mean "the violation of our sovereignty."

Bolaños announced that jointly with a group of advisors, he is preparing the regulations which will be discussed between the Nicaraguan and Costa Rican authorities, the purpose of which is to put an end to the border conflict in the San Juan River. Bolaños sent the Minister of Defense his suggestions to be incorporated in the elaboration of the regulations of the agreement already signed between Nicaragua and Costa Rica.

According to Bolaños, some of the necessary conditions that should be included in the regulations are: That Costa Rica request previous authorization to navigate armed in the San Juan River; That it present the passports of each officer and indicate the precise number and type of armament (type, series, model) to be carried; That it indicate the exact hour it will enter the River as well as the route, duration and exact time when they will exit the waters.

"Anyone intending to enter our backyard will do so under our custody," said the Vice-President.

Annex 152

"COMMERCE DECREASES ALONG THE BORDER" (EXTRACT) IN *LA NACIÓN*, SAN JOSÉ, 27 SEPTEMBER 1998

TRANSLATION

COMMERCE DECREASES ALONG THE BORDER
(Extract)

LA NACIÓN, San Jose, Sunday 27 September, 1998

Colorado and Sarapiquí Rivers

- **Suspension of river transit leads to disruption**

Although Costa Rican civilians do not have any impediments for traveling on the San Juan, the day before yesterday, during the morning hours, officials from the Nicaraguan army at the Boca Sarapiquí post forced the owners of vessels to lower the Costa Rican flag on their vessels in the presence of a team from this newspaper.

(…)

Annex 153

"TICOS REQUESTED EUROPEAN MEDIATION" (EXTRACT) IN *LA TRIBUNA*, MANAGUA, 9 OCTOBER 1998

TRANSLATION

TICOS REQUESTED EUROPEAN MEDIATION
(Extract)

LA TRIBUNA, Managua, 9 October 1998

"The Nicaraguan Deputy Minister of Foreign Affairs, Carlos Gurdián Debayle, rejected yesterday a proposal from his Costa Rican counterpart, Walter Niehaus, for the European Union to serve as mediator between both countries to resolve the conflict over the San Juan River.

The Nicaraguan rejection to Niehaus' proposal, made in San Salvador during a meeting of Central American Deputy Ministers of Foreign Affairs with European Union representatives, was followed by a session to 'settle differences'."

(…)

Annex 154

"VESSELS INVESTIGATED" IN *LA NACIÓN*, SAN JOSÉ, 17 JANUARY 1999

TRANSLATION

VESSELS INVESTIGATED

LA NACIÓN, San José, Sunday 17 January, 1999

The capture of two boats with 19 kilograms of cocaine in the vicinity of the San Juan del Norte, in Nicaragua, finally convinced the authorities of that country of the existence of drug trafficking network on that water way.

The Costa Rican Salomón Orozco and Nicaraguan Alejandro Reyes are accused of being responsible for the shipment. The former manned the vessel Andrea II, while the other boat had no name, informed Vicente Arce, the Costa Rican consul.

Both vessels had secret compartments, one of which carried 18 kilograms of cocaine, and in the other only one kilogram.

According to a report by the Nicaraguan National Police to the Costa Rican consul, they do not know the origin of the drugs.

"The zone is a drug trafficking route, mainly because there is no police in the municipality of San Juan del Norte and since its inhabitants work on the coconut plantations, and when the harvest is finished, they sell the drugs that they find along the river", stated the document.

For this activity, stated the authorities, high-powered motor boats are used, such as those detained, which transit at night.

In this case, Orozco and Reyes were arrested at 11:20 PM on Thursday at the mouth of the Indio River, near the Barra del Colorado, and their vessels had motors that reached 150 horsepower, police assured. According to them, the cocaine was heading towards Costa Rica.

Although they tried to flee, four army soldiers followed them. On Friday, police officers of San Carlos, Nicaragua traveled to San Juan del Norte, located 287 kilometers away – in order to take the suspects.

At that location, Orozco and Reyes remained under the orders of Judge Marta Ruiz, who will conduct the drug trafficking case. In addition, both are to be interrogated with the idea of determining if other people are acting as accomplices.

Annex 155

"SAN JUAN: CALM AND UNEASINESS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 4 JULY 1999

TRANSLATION

SAN JUAN: CALM AND UNEASINESS
(Extracts)

LA NACIÓN, San José, Sunday 4 July, 1999

Costa Ricans resent lack of police patrol

- **$5 charged for navigating on the Costa Rica margin**

(...)

As does López, who raised 13 children in this remote area, neighbors from other nearby settlements affirm that the only thing that has changed in the past year is that the Costa Rican police no longer navigate along the San Juan River and rarely visit them.

The police retreat generates certain uneasiness. Farmer Rigoberto Acevedo, from San Antonio, Sarapiquí, stated that, although he understands the limitations that the authorities now have in traveling through the region, their presence is necessary.

"If there were an emergency here, we would not have anyone to rescue us", he warned.

The presence of officers has been almost completely reduced in the settlements along the Costa Rican river bank, since the Nicaraguan government forbade – on July 15, 1998 – the navigation of armed Costa Rican police officers on the San Juan River.

Juan Alfaro, head of Costa Rica's Delta post- in Sarapiquí-, explained that the decision made by the government of President Arnoldo Alemán´s has forced Costa Rican Police border patrols to access the different guard posts by land.

He stated that the journey through the mountain and fields is extremely difficult, due to the terrible state of the roads.

They Miss the River

Police officers manning the guard post known as Delta 14, in Cureña, Sarapiquí, say that they are the ones who are most affected by Nicaragua's limitations.

Before, it took them less than two hours to travel by boat from the Atlantic Command in Puerto Viejo, Sarapiquí to Delta 14. Now they must travel seven hours by car on a very rustic roadway and even walk the last two kilometers.

La Nación traveled to that guard post as part of a 70 kilometer tour on Thursday and Friday, through the settlements and villages adjacent to the river border.

Delta 14 has no mean of transportation, not even a horse, and the nearest neighbor that owns a boat, Carlos Espinoza, lives two kilometers away. In addition, the radio equipment used for communication is often in disrepair for many days.

Police officer Ricardo Chaves admitted that, in the event of an emergency, they would not be able to respond immediately.

José Calderon who is 58 years-old and has worked for the Public Security Ministry for 14 of those years revealed that his greatest wish was for the Nicaraguan government to revoke the prohibition. "We want to go back to traveling along the river. We dream about that".

The head of the Nicaraguan Army post at Boca Sarapiquí, who only identified himself as "Lieutenant Calderón", stated that the dispute over the navigation of Costa Rican police along the San Juan is already resolved.

"The only thing that Costa Rica has to do is respect the decision of the Nicaraguan government", he indicated.

Malaise due to fees

Some Costa Ricans, who do not live on the San Juan River bank but who have properties there, complain that for approximately the past four weeks the Nicaraguan immigration authorities have been charging $5 (US) for navigating even on the Costa Rican margin of the river.

Everyone who wants to travel on the river must report themselves at an immigration post installed by the Nicaraguans at Boca Sarapiquí.

Here, those who do not reside in that sector must buy a tourist card, even if they are not planning on crossing the border. Navigation is allowed only from 6 AM to 5:30 PM; after those hours transit is allowed only for emergencies.

Acilmaco Salazar, from San Carlos and owner of a farm in Delta Costa Rica, affirmed that he had never been charged before.

After complying with these requirements, La Nación asked Celso Rivas, at the Nicaraguan post, about the charge and he limited to responding that he was only obeying orders.

Annex 156

"COSTA RICA DECLARES BILATERAL DIALOGUE EXHAUSTED, GOVERNMENT REQUESTS MEDIATION BY THE OAS" IN PRESS RELEASE, PRESS OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS OF COSTA RICA, SAN JOSÉ, 3 MARCH 2000

TRANSLATION

COSTA RICA DECLARES BILATERAL DIALOGUE EXHAUSTED GOVERNMENT REQUESTS MEDIATION BY THE O.A.S.

PRESS OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS OF COSTA RICA, San José, Friday 3 March, 2000

Due to the free navigation dispute on the San Juan River

Last night, after a fruitless conversation in which President Miguel Angel Rodriguez, tried to reach a definitive agreement regarding the free navigation of official Costa Rican vessels on the San Juan River, and after many prodigious efforts in favor of dialogue and pacific negotiation mechanisms through the Foreign Affairs Ministry, the Republic of Costa Rica has finally exhausted bilateral dialogue as a means of arriving at a solution to the dispute originated on July 15, 1998, when the Republic of Nicaragua decided to establish unilateral prohibitions to the free navigation of that maritime route.

The official statement of that decision was delivered today to the President of the Permanent Council of the Organization of American States, OAS, Mr. James Schofield Murphy in which, the government of the Republic of Costa Rica, faithful to its peaceful vocation, requests that the Permanent Council of that organization to be convened in order to appoint a special representative to mediate the situation, facilitate effective dialogue and formulate recommendations that will be conducive to resolving the uncomfortable and tense situation that prevails and prevent actions that may alter peace in the hemisphere. We have, thus, expressly requested that the Bogotá Pact be activated and that the Inter-American Treaty of Reciprocal Assistance be instated as a mediation process between the parties.

Likewise, Costa Rica has requested to the Organization of American States, in order to avoid any ulterior conflict with the Nicaraguan authorities, to notify the government of the Republic of Nicaragua of its obligation in finding a peaceful solution to this controversy, and prevent them to refrain from hindering through the use of force, or any other action, the free navigation of official Costa Rican vessels carrying their duly registered normal arms.

In addition, Costa Rica expressly requests that the transit of Costa Rican fiscal police and border control vessels on the San Juan River be reinstated, under the same conditions that existed before this conflict arose.

Annex 157

"THE SAN JUAN RIVER BELONGS TO NICARAGUA" IN PRESS RELEASE, PRESS OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS OF NICARAGUA, MANAGUA, 6 MARCH 2000

TRANSLATION

THE SAN JUAN RIVER BELONGS TO NICARAGUA

PRESS OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS OF NICARAGUA, Managua, 6 March, 2000

The San Juan River is a national river which crosses the entire territory of Nicaragua. The boundary between Nicaragua and Costa Rica was established in the Jerez-Cañas Treaty signed on 15 April 1858.

Nicaragua's rights were set down in article 6, in particular, of the aforementioned document, which declares: "The Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan river from its origin in the Lake to its mouth in the Atlantic; but the Republic of Costa Rica shall have the perpetual right of free navigation on the said waters, between the said mouth and the point, three English miles distant from Castillo Viejo, said navigation being for the purposes of commerce [objetos de comercio] either with Nicaragua or with the interior of Costa Rica, through the San Carlos river, the Sarapiquí, or any other way proceeding from the portion of the bank of the San Juan river, which is hereby declared to belong to Costa Rica. The vessels of both countries shall have the power to land indiscriminately on either side of the river at the portion thereof where the navigation is common; and no charges of any kind, or duties, shall be collected unless when levied by mutual consent of both Governments."

The above means that the Republic of Nicaragua exercises, beyond any doubt, its full sovereignty, control and jurisdiction over the entire length of the San Juan River. This categorically and absolutely reaffirms the fact that Nicaragua, as the sovereign power of the waterway and the river bed, has every right to impose control measures and regulations regarding the San Juan River, whether they be of a migratory, sanitary, customs, jurisdictional or security nature or related to the protection of resources and the ecology.

For the Republic of Nicaragua, both the Nicaraguan sovereignty over the San Juan River and the Republic of Costa Rica's navigation rights, con objetos de comercio, to the said river, are clearly stated in the Jerez-Cañas Treaty of 1858. This treaty, which is currently in force and respected by the Republic of Nicaragua, establishes limits to the rights it grants Costa Rica such as the fact that these are only applicable to the part of the river where the southern bank belongs to Costa Rica and not to the part where the two banks are Nicaraguan; that the navigation rights granted to Costa Rica only apply to that con objetos de comercio; and that this commercial navigation is exclusively with Nicaragua or inland Costa Rica.

Nicaragua's rights were reasserted by the Award of President Grover Cleveland in 1888, which states in its second paragraph that "The Republic of Costa Rica has not the right of navigation of the San Juan River with vessels of war; but she may navigate said river with such vessels of the Revenue Service as may be related to and connected with her enjoyment of the "purposes of commerce" accorded to her in said article, or as may be necessary to the protection of said enjoyment".

The intention of the present Government of the Republic of Costa Rica is that its authorities may navigate the San Juan River in their official vessels carrying their service arms, thereby distorting the San Juan River's legal regulations by trying to turn a national river into an international one that is subject to the shared sovereignty of both countries. In this sense, the Cleveland Award does not refer to all Costa Rican authorities but rather just to revenue service vessels related to commercial purposes.

Over the past few months the governments of Nicaragua and Costa Rica have been holding talks on mechanisms of cooperation in the border zone, especially in relation to criminal activities related to cattle robbery, contraband, common delinquency; and on the possible demarcation of the maritime border. On Friday 3 March Costa Rica suspended the aforementioned negotiations and appealed to the Permanent Council of the Organization of American States, requesting their intervention and that they name a mediator, and specifically requesting that the Bogota Pact and the Inter-American Reciprocal Assistance Treaty be activated.

It surprises the Republic of Nicaragua that the Costa Rican government should make such a request when relations between the two countries are not strained, nor has there been any additional movement of the troops of either of the two countries towards the border. Likewise, it is worth noting that the migration posts continue to function normally.

In this sense, in declarations made to ACAN-EFE, on the same day, 3 March, President Miguel Angel Rodriguez reiterated that "his country has no concern whatsoever" regarding possible attacks or threats made by Nicaragua and that he appealed to international arbitration "because an agreement has not been reached"… For his part, the Costa Rican Minister of Security, Rogelio Ramos, declared to ACAN-EFE that the river's border zone is "absolutely normal". "We have a dispute over an aspect of navigation regarding the San Juan River. We are not mobilizing additional police to the area and nor are the Nicaraguans and we hope to resolve the conflict through the OAS."

In the Republic of Nicaragua's opinion, what Costa Rica is proposing is strictly of a legal nature since it is related to the interpretation of the international instruments currently in force between the two countries, and that regulate rights regarding the San Juan River. Consequently, the solution should be reached via legal channels and any political solution giving Costa Rica additional rights is not acceptable.

The Republic of Nicaragua, which is open to dialogue and fully committed to strengthening the ties of friendship and cooperation that unite the governments and peoples of both republics, reaffirms its strict adherence to International Law and, in the present case, to the international instruments establishing the legal status of the San Juan River.

Annex 158

"OAS SECRETARY GENERAL FACILITATES REINITIATING DIALOGUE BETWEEN COSTA RICA AND NICARAGUA" IN PRESS RELEASE OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, 8 MARCH 2000

TRANSLATION

OAS SECRETARY GENERAL FACILITATES REINITIATING DIALOGUE BETWEEN COSTA RICA AND NICARAGUA

PRESS RELEASE OF THE ORGANIZATION OF AMERICAN STATES, Washington D.C, 8 March, 2000

Foreign Affairs Ministers from Costa Rica, Roberto Rojas, and Nicaragua, Eduardo Montealegre, agreed today to reinitiate the bilateral dialogue and accepted the role of the Secretary General of the Organization of American States (OAS), César Gaviria, as facilitator of this process.

The announcement was made after a session of the Permanent Council presided by Ambassador to Belize, James Schofield Murphy, was reconvened. "We now hope to begin working with a possible agenda to reinitiate a dialogue which we all hope will produce results and resolve this matter", stated the Secretary General, who also mentioned suggestions proposed by various delegations from Member States for both nations to reestablish their dialogue and find an amicable solution to their differences.

Previously, the Costa Rican Foreign Affairs Minister had invoked the Inter-American instruments on a peaceful settlement of controversies to try to end "the worrisome situation" that has been occurring with Nicaragua since July 1998, regarding the scope of the right to free navigation on the San Juan River.

The Nicaraguan Foreign Affairs Minister had expressed the scope of the aforementioned Treaty of Limits, affirming that his country exercises "without any discussion, full sovereignty, control and jurisdiction over the entire extension of the San Juan River and that the rights of Costa Rica, which Nicaragua has always respected, are limited to free navigation on a branch of the river and only for transporting "objects of commerce".

Annex 159

"COSTA RICA FORCED TO ACCEPT THE DOMINION OF NICARAGUA OVER THE SAN JUAN" (EXTRACTS) IN *LA NOTICIA*, MANAGUA, 17 MARCH 2000

TRANSLATION

COSTA RICA FORCED TO ACCEPT THE DOMINION OF NICARAGUA OVER THE SAN JUAN
(Extracts)

LA NOTICIA, Managua, Friday 17 March, 2000

Foreign Affairs Minister Eduardo Montealegre said that "if" the Costa Rican Civil Guard was authorized to navigate in the San Juan River armed, that corps must submit to all the controls that Nicaragua deems necessary.

"The position of Nicaragua is clear. The San Juan River is Nicaraguan, and navigation on it is ruled by the laws and the Constitution of the country", said Montealegre.

The conversations between both countries on several border issues started on Wednesday, but they only lasted three hours, although they were supposed to end on Thursday. The reason, said the Costa Rican Foreign Affairs Minister, Roberto Rojas, is the interpretation that each country makes of the Cleveland Award. This was confirmed by Montealegre.

Rojas said that his country "has not ruled out" that they might have to recur to a third party. "If I read it one way, and they read it differently, maybe we need someone else to interpret it", he said.

In response to several questions by the media, Montealegre said that "the position is clear, because for a mediation to happen both parties have to agree to it". Nicaragua will not accept another interpretation of the said document, he added.

(...)

Although the meeting was suspended, Montealegre assured that it was "positive". Next week, Foreign Affairs Vice-Ministers José Adán Guerra, and Walter Niehaus, from Nicaragua and Costa Rica respectively, will continue with the conversations in Managua.

(...)

The Secretary General of the Organization of American States (OAS), César Gaviria, initially would not make any statements about reinitiating the conversations between both countries, in which he acts as "Facilitator".

But representatives of the foreign and local media, gathered at the Foreign Ministry, cornered him to get his point of view.

"I can only say that there have been interesting approaches", he said after leaving the place hastily, with the help of the OAS representative in Nicaragua, Sergio Caramagna.

Annex 160

"PERMITS TO NAVIGATE ARMED?" (EXTRACTS) IN *EL NUEVO DIARIO*, MANAGUA, 17 MARCH 2000

TRANSLATION

PERMITS TO NAVIGATE ARMED?
(Extracts)

EL NUEVO DIARIO, Managua Friday, 17 March, 2000.

- **It is a possibility, says the Foreign Minister, and it would be for a limited time with the custody from vessels of the Nicaraguan Army**
- **Foreign Affairs would not grant the permissions**

Foreign Affairs Minister Eduardo Montealegre did not rule out that Nicaragua could authorize armed Costa Ricans to navigate on the San Juan River, under special circumstances and for specific purposes, for a limited time, guarded by vessels of the Nicaraguan Army, as it was done until 1998.

Montealegre recalled yesterday that in the past, Costa Rica requested permits that were granted by the corresponding Nicaraguan authorities, until 1998, when the Public Force, particularly Minister Lizano, decided overnight that they did not need to ask for permission.

"That is the difference", said Montealegre, after emphasizing that in the past permissions were requested and granted. He explained that, in any case if the corresponding authorities granted the permit, they would still need to be guarded by the vessels of the Nicaraguan Army.

(...)

"If Costa Rican authorities request the permit, under specific circumstances and purposes, for a limited time, the corresponding authorities would have to decide, but this would not be a decision of the Ministry of Foreign Affairs", he clarified.

Montealegre explained that there are three types of navigation: navigation with purposes of commerce [objeto de comercio], along a portion of the San Juan River, to which Costa Rica has perpetual rights, there is another type of navigation in another portion of the river to which they are not entitled, and the third type is armed navigation, to which they are not entitled either.

There are approaches

The Secretary General of the Organization of American States (OAS), Doctor César Gaviria, said that the outcome of the first meeting between the Foreign

Ministers of Nicaragua and Costa Rica, Montealegre and Roberto Rojas, respectively, could be summarized as "there have been interesting approaches".

Gaviria acts as a facilitator in the conversations between Nicaragua and Costa Rica, concerning the armed navigation of Costa Ricans on the San Juan River.

(…)

Annex 161

"DIALOGUE REGARDING RIVER AT A DEAD END" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 4 APRIL 2000

TRANSLATION

DIALOGUE REGARDING RIVER AT A DEAD END
(Extracts)

LA NACIÓN, San José, Tuesday 4 April, 2000

- **OAS has ended its task as facilitator**

Managua. Yesterday – at the Foreign Affairs Ministry - Costa Rica and Nicaragua ended– with no results - the round of bilateral dialogue facilitated by the OAS which aspired to finding a solution to the dispute due to the navigation of armed Costa Rican police on the San Juan River.

(…)

Costa Rican Foreign Affairs Minister Roberto Rojas; Nicaragua Foreign Affairs Minister, Eduardo Montealegre, and the Secretary General of the Organization of American States (OAS), César Gaviria, limited themselves to making statements at a press conference in the interest of the parties in order to maintain an open communications channel through dialogue and recur to other diplomatic alternatives.

"The bilateral channel has not been exhausted. What has been exhausted is facilitation by the OAS. But there can be other proceedings within the same organization", affirmed Rojas.

(…)

End without an End

"What we have resolved today is to thank the Secretary General for this facilitation and declare this stage as concluded. As governments we are going to search for these alternative solutions (…) we think that the solution is near enough to not have to recur to greater extremes", said Rojas.

He emphasized that "the diplomatic and bilateral channel continues to remain open" and we will continue to seek another mechanism in order to find a solution.

"The dialogue continues; it is a bilateral discussion and we are going to continue to explore alternatives in order to arrive at a happy conclusion", manifested Montealegre.

Gaviria attested "faith and witness" regarding the goodwill of both governments in finding a solution to the dispute and certified the will of both delegations for examining each other's position and finding some "interesting" approximations towards an exit.

(...)

Annex 162

"NICARAGUAN GOVERNMENT CHARGES 1500 COLONES TO EACH COSTA RICAN WHO NAVIGATES ON THE SAN JUAN FOR A SHORT WHILE" (EXTRACTS) IN *DIARIO EXTRA*, SAN JOSÉ, 11 APRIL 2000

TRANSLATION

NICARAGUAN GOVERNMENT CHARGES 1500 COLONES TO EACH COSTA RICAN WHO NAVIGATES ON THE SAN JUAN FOR A SHORT WHILE

(Extracts)

DIARIO EXTRA, San Jose, Tuesday 11 April, 2000

- **A Costa Rican traveling from Sarapiquí to Tortuguero must navigate on a section of the San Juan River. A toll had never been charged given the good relations existing between Nicaraguans and Costa Ricans. But now, Aleman does not allow anyone to go through without paying.**

(...)

Nevertheless, there is something that no one has mentioned and that is the manner in which the fees are charged to Costa Ricans, who must travel along the San Juan because of the fact that the area lacks roads.

12 Years of Activity

(...)

Although navigation on the Sarapiqui towards the San Juan has occurred since the Pre-Columbian era, and is currently the only means of communication for many families, it is the tourism activity that has made this area known to the world.

Enriquez reminded that it was boatman Ruben Lao who took the first tourists from the Sarapiqui down the river towards Barra del Colorado. That is how the affluence of tourists slowly increased until it became the activity with which more than a hundred people working for the 32 boat-owners operating on the river made a living.

In addition to this activity, other people, such as those who sell different products at the harbor, depend on the river indirectly. And, there area those who own restaurants, coffee shops and hotels located near the harbor as well as along the river bank in the center of Puerto Viejo and neighboring areas.

(...)

On the other hand, since tourism is the main source of income in the region, the intransigence of Aleman's government has led to a considerable decrease in tourism which, in turn, has caused great anguish for small businessmen meaning, not only the death of tourism in the area, but also of commerce and other activities.

An Aquatic Toll

The position taken by the Nicaraguan government of Arnoldo Alemán comes to establish some kind of waterway toll aimed only at vessels bearing a Costa Rican flag.

Arnoldo Aleman became upset when he saw Costa Rican police traveling with their weapons in order to relieve their fellow officers at the border guard posts. Later he took action against individuals and foreign tourists.

(…).

However, now it has extended to the Costa Rican civilian population and foreigners visiting Costa Rica.

In this manner, he ordered to charge 1,500 colones to each Tico who had to navigate on that river in order to travel from one place to another in Costa Rican territory.

The "pinolero" government charges 2 thousand colones to each vessel bearing the Costa Rican flag and five dollars for each passenger that travels through the San Juan. But what is most surprising is that if the foreigner is, for some reason, not carrying dollars, the boatman transporting them must look for them wherever he can and pay the new "toll". On the contrary, no one can pass.

According to some, the only ones who do not pay this "toll" are the Nicas who cross the river in order to enter Costa Rica in search of better economic conditions and send money earned in Costa Rica to their families living in Nicaragua, as well as a few Costa Rican families living on the bank of the San Juan who are well known by the Nicaraguan officers. Nevertheless, Costa Rican boats that travel from one place to the other must pay the 2 thousand colones.

According to a representative of the Costa Rican boatmen, the most frequent route for either foreign or national tourists is Puerto Viejo –Sarapiqui-Tortuguero. This route uses most of the Sarapiqui River and a part of the San Juan in order to re-enter Costa Rican territory and then travel from Barra del

Colorado to the Tortuguero Canals. For this reason, the Nicaraguans are taking advantage of the situation in order to charge anyone traveling along tne San Juan branch.

(...)

But given the position assumed by the Nica government, entire groups of 20 to 26 people arriving at Puerto Viejo to take the tour decide against it and return home when they realize that they must pay 1.500 colones to the Nicaraguans simply for navigating on the San Juan.

Annex 163

"NICARAGUA ASKS FOR A COSTA RICAN PROPOSAL" (EXTRACT) IN *LA NACIÓN*, SAN JOSÉ, 18 JUNE 2000

TRANSLATION

NICARAGUA ASKS FOR A COSTA RICAN PROPOSAL
(Extract)

LA NACION, San Jose, Sunday, 18 June, 2000

Conflict over the San Juan River

- **Presidents don't define agreements in Panama**

Panama. The President of Nicaragua, Arnoldo Alemán, yesterday asked the President of Costa Rica, Miguel Angel Rodríguez, for a specific proposal to solve the conflict between both countries, over the navigation of Costa Rican armed police officers in the San Juan River.

"I have asked Miguel Angel (Rodríguez) to send me a proposal on how they want to solve the issue of the navigation of their police officers in the San Juan river, so we can also know when they do so", said Alemán during a press conference held yesterday in the Gamboa Rainforest Resort hotel, in the capital of Panama, after a meeting of Central American governors.

In the setting of this meeting of presidents, during which they analyzed border disputes between Central American countries, Alemán insisted that his country has no border conflicts with Costa Rica.

"We have had some problems of interpretation over the navigation in a river where Nicaragua has the dominion and highest empire."

On the other hand, Rodríguez said they would send the Costa Rican proposal to Managua within the next few weeks. "I received the petition of President Alemán, we will analyze it, and we will send the document within the next few days."

Annex 164

"SAN JUAN SPICES UP RELATIONSHIP WITH NICARAGUANS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 10 JULY 2000

TRANSLATION

SAN JUAN SPICES UP RELATIONSHIP WITH NICARAGUANS
(Extracts)

LA NACIÓN, San José, Monday, 10 July, 2000

(...)

Anxious neighbors

But, how do the neighbors in the area feel? Ermicinda Sunsing, who resides in Fátima de Sarapiquí, Marua López from San Antonio de Sarapiquí, Ventura Monge from Delta Costa Rica (also in Sarapiquí) and Isidro Quesada from Boca San Carlos, each consulted separately, coincided about knowing the agreement, but found it strange that it still hand not been enforced.

"The Costa Rican police have not yet traveled down here. We still have not seen them on the river", stated Sunsing, who has lived in the area for 41 years. "I do hope that they return soon. We really need them here since there are many undocumented people who are coming over from the other side and are giving us much trouble", stated María Cristina Arrieta, a farm owner at the small community of La Tigra.

"My house was broken into and all of my food was stolen, even my watch", stated Ventura Monge.

"The Nicaraguan soldiers do not allow us to take fish or shrimp out of the river which we used to sell to tourists and use that money to buy our food each day", complained Maura López, a mother of 11 children.

(...)

Nothing Has Changed on the River

Northern Border. For Elí Morales everything is very clear. "Nothing here has changed. For us, the Costa Rican Police, everything is the same since we continue not being allowed to enter the river". He is the head of the border guard post at Trinidad de Sarapiquí.

Upon crossing the controversial mouth of the San Juan River, in front of La Trinidad, Sargeant José Leitón, head of the garrison of the Nicaraguan Army leaves no doubt: "The prohibition for the Costa Rican Police to navigate on the river has not been lifted".

The statements by both officials reflect the reality of what is occurring in the abundant, conflicting and at the same time peaceful San Juan River, ten days after the president of the bordering countries announced, without providing any details, the end of the dispute that burst on July 12, 1998. On that day, President Arnoldo Alemán forbade Costa Rican police from navigating on the river with their regulation weapons.

(…)

Annex 165

"INTENSE ARMS CONTROL" IN *LA NACIÓN*, SAN JOSÉ, 25 SEPTEMBER 2000

TRANSLATION

INTENSE ARMS CONTROL

LA NACIÓN, San José, Thursday 25 September, 2000

- **Little activity on the San Juan causes concern**

Northern Zone. Surprise inspections on the Frío and Medio Queso rivers in Los Chiles, and the opening of mobile posts in Upala, Guatuso and San Carlos are part of the measures put into place by the rural police in this sector of the country in order to combat arms trafficking.

Modern metal detectors, being used for the first time as well as careful inspection of all vehicles, are among the activities that have been taking place for the past two weeks, after it was confirmed that the country is being used as a bridge for arms trafficking between Nicaragua and Colombia.

As a result, there is an alert from Pena's Blanca's in Guanacaste, to Barra Del Colorado in Limon.

The alert also involves the Organism for Judicial Investigation (OIJ) and the Intelligence and Security Directorate (DIS)

Days earlier, the Panamanian Police confiscated two arsenals which were believed to have passed through Costa Rican territory.

Surveillance on the Rivers

In Los Chiles, police not only pay special attention to boats navigating on the Frio River from San Carlos de Nicaragua, but also to those that pick up undocumented people at the edge of the San Juan River and then enter Costa Rican territory through the Medio Queso River.

According to police reports, there are groups working between Costa Rica and Nicaragua that take advantage of arms caches that are buried after armed conflicts in the neighbouring country, in order to negotiate them with the Revolutionary Armed Forces (FARC) of Colombia

While an AK-47 rifle in the Northern Zone can be bought for 15.000 Colones and even in exchange for food, in Colombia it costs approximately 750.000 Colones

According to a Nicaraguan Army intelligence report, in 1997, a load of 80 rifles entered Costa Rica.

The vendors were former Contras and the buyers' members of a gang of Panamanians and Colombians.

Edgar Hernández, Regional Director of the Costa Rican Public Force in Ciudad Quesada, and Gerardo Hernández, who works in Los Chiles, told *La Nación*, that they were concerned about the lack of surveillance on the San Juan.

They added that there are areas that are entirely without any type of surveillance, such as Cureña and Remolinito de Sarapiquí.

The lack of police is due to the July 1998 measure by Nicaragua forbidding armed Costa Rican police from navigating on the river.

Both police chiefs agreed that such a weakness could be currently being taken advantage of by traffickers.

In 1994, 1996 and 1999, the weapons used for the kidnappings that took place in Pital, Boca Tapada, Agua Zarcas and Cutris de San Carlos and most recently in Caño Zapota de Pococí, entered the country through the San Juan River bank, according to police.

Annex 166

"POLICE WERE NOT ALLOWED TO NAVIGATE" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 28 SEPTEMBER 2000

TRANSLATION

POLICE WERE NOT ALLOWED TO NAVIGATE
(Extracts)

LA NACIÓN, San José, Thursday 28 September 2000

Leaders will request an investigation

Northern Zone. Although they were unarmed and in civilian clothing, two judicial agents and a rural guard were not able to navigate on the San Juan River, at noon on Tuesday, after they did not obtain authorization at the Nicaraguan Army post, in front of Boca San Carlos.

Fernando Araya and Juan Carlos Arias, from the Organism of Judicial Investigation (OIJ) at Ciudad Quesada and Victor Julio Vargas, district delegate at the Costa Rican Rural Guard at Pital, were traveling as part of an investigation into a cattle theft at a farm located on the Costa Rican margin of the river.

In order to reach the area, the group was to travel four kilometers up river from Boca San Carlos to Caño Mairena, in order to respond to the report made by a farmer of last name Moreno.

This man complained to the authorities about the theft of ten cows, some which were left slaughtered on his property.

However, they were never able to reach the location after Nicaraguan soldiers told them they were not allow to transit after they arrived at the border post to report themselves, as is obligatory.

According to the head of the post, who refused to identify himself, he had received orders from his superiors not to allow any police pass even if they are unarmed.

For ten minutes the agents insisted that they were conducting a judicial investigation, but their explanations were useless.

(...)

Neighbors from Boca San Carlos, such as farmer José Aguirre, consider that given these guidelines, Nicaragua, perhaps, without doing so intentionally, is generating impunity in that border zone since upon forbidding the investigation, this area becomes a "no-man's land"

A similar problem occurred last year when OIJ agents were not able to travel on the San Juan to collect the body of a Nicaraguan who had drowned on the Costa Rican margin.

(…)

Annex 167

"ENERGETIC PROTEST AGAINST NICARAGUA" IN *LA NACIÓN*, SAN JOSÉ, 29 SEPTEMBER 2000

TRANSLATION

ENERGETIC PROTEST AGAINST NICARAGUA

LA NACIÓN, San José, 29 September, 2000

The Nicaraguan Ambassador in Costa Rica, Mauricio Díaz received a note yesterday that encloses an energetic protest from the government of Costa Rica due to the fact that the Nicaraguan army impeded the navigation of Costa Rican authorities last Tuesday 26 on the San Juan River.

The letter was delivered to Diaz at the Ministry of Foreign Affairs by Deputy Minister of Foreign Affairs Elayne Whyte, according to a press release.

The text states that the incident is "a flagrant violation of to perpetual right of free navigation, established to the Republic of Costa Rica by the Cañas-Jerez Treaty of 1858, the Cleveland Award of 1888 and the judgment of the Central American Court of Justice of 1916".

Two agents from the Organism of Judicial Investigation, Fernando Araya and Juan Carlos Arias and civil guard Victor Julio Vargas were not able to carry out a judicial errand with the purpose of investigating a cattle theft on a farm located at the Costa Rican bank of the river, which could only be accessed by that waterway, as Nicaraguan soldiers did not allow them to pass at a point located between Boca de San Carlos and Caño Mairena.

Yesterday, at Ciudad Quesada, the officers filed a report whereby the incident was ratified.

Rogelio Ramos, Public Sacurity Minister, said yesterday that the head of the Nicaraguan army, Javier Carrión, offered to investigate the incident; whilst the Nicaraguan Foreign Affairs Minister, Eduardo Montealegre expressed his doubts while in Guatemala about the "veracity of the information reported by the Costa Rican press".

At the Guatemalan capital, where a meeting of heads of state of the region with Prime Minister Jean Chretien was taking place, President Miguel Angel Rodríguez also addressed the issue with President Arnoldo Alemán, who offered to call him from Managua once the matter had been investigated.

Hours before, Rodriguez stated that Aleman assured him that he would take the necessary steps in order to avoid a similar situation in the future.

Ramos indicated that this was the first police operation to take place on the San Juan River since last July 25 when Rodriguez y Alemán reached an agreement regarding the navigation on the San Juan River during a meeting in Mexico.

The Costa Rican minister acknowledged that the agreement between the presidents, that ended almost two years of disputes, lacks an operational framework, since until the Nicaraguan Legislative Assembly does not approve it, the military cannot establish any conditions.

Annex 168

"PERMISSION WILL BE REQUESTED FROM THE CONGRESS FOR THE NAVIGATION OF ARMED COSTA RICAN POLICE" IN ACAN-EFE PRESS AGENCY, MADRID, 12 OCTOBER 2000

TRANSLATION

PERMISSION WILL BE REQUESTED FROM THE CONGRESS FOR THE NAVIGATION OF ARMED COSTA RICAN POLICE

ACAN-EFE, Madrid, 12 October, 2000

NICARAGUA – COSTA RICA

Managua, 12 Oct. (ACAN-EFE) The government of Nicaragua will present a request to the National Congress of that country, to authorize the Army to grant the corresponding permits for the navigation of armed Costa Rican police officers in the bordering San Juan River.

"The granting of those permits will remain to the good judgment of the Army and the corresponding authorities that ward our national sovereignty", said today, Wednesday, the president of Nicaragua, Arnoldo Alemán.

"We are polishing up the project because you must remember that a person that needs to come to this country, even for humanitarian purposes, needs an authorization by the National Congress", added Alemán in a meeting with the press, during a visit to the duty-free zone in Managua.

With the Parliament's approval, the governments of both countries will put an end to a dispute that worsened in mid 1998, when the Nicaraguan Army prohibited Costa Rican police from navigating the River with arms, without a previous permit.

Although this River belongs to Nicaragua, Costa Rica is allowed free navigation in a stretch near its mouth in the Caribbean Sea, but according to the authorities in Managua, it is only as long as it is for commercial purposes.

Annex 169

"NICAS INSIST ON CHARGING" IN *LA NACIÓN*, SAN JOSÉ, 8 MAY 2001

TRANSLATION

NICAS INSIST ON CHARGING

LA NACIÓN, San José, Tuesday 8 May, 2001

Use of waters on the San Juan River

San Juan River and San Jose. When it was thought that it was a problem that had been overcome, members of the Nicaraguan Army again insist on charging $25 (8,126 colones) to each Costa Rican vessel navigating on the San Juan River.

In addition, each passenger is charged $5 (1.625 colones). *La Nación* confirmed that after visiting the area and collecting complaints from the boatmen that usually navigate on the bordering river.

The Foreign Affairs Ministry confirmed yesterday that it had received complaints in this regard and informed that a commission visited the area over the weekend and is preparing a report on the matter.

Spokesperson Vilma Ibarra assured that the results of the report and the possible steps that the government will take will not be known until the Presidency analyzes them.

Last March 1st, a similar charge was denounced. However, the country complained to Nicaragua and on April 25, Foreign Affairs Minister Roberto Rojas announced the resolution to the problem after meeting with his Nicaraguan counterpart, Francisco Aguirre.

Continues and double...

La Nación traveled from Puerto Viejo aboard the vessel *Nube Viajera* steered by Hansi Lao. Upon arriving at the Nicaraguan Army post at Boca Sarapiquí, Sergeant Trejos charged Lao $25 and handed him a $25 receipt (number 0306) as an "international departure clearance". In addition he charged $5 per passenger.

As inquired by Lao, the officer accepted that the amount was high, but indicated that he was only following orders from his superiors.

The vessel traveled down the San Juan until it reached the Delta Nicaragua post and then entered Costa Rican territory for one kilometer until it reached the Delta Colorado Costa Rican guard post.

On their return towards the San Juan at the Army post, Sergeant Erving Garcia again charged him another $25 arguing that the vessel was again entering Nicaraguan waters. Garcia handed the receipt 0406.

Luis Navarro, captain of another vessel, *Samay Lagoon*, who was contacted by this newspaper, also confirmed the charges at those posts. He believes the charge to be excessive and states that it discourages commerce and tourism.

Rosalio Cantillano, a Nicaraguan living in Toro Amarillo who uses the San Juan River in order to buy plantains and sell them to the neighbors, complained because he was told that he must also pay the charge.

"It´s just crazy", he said complaining about the increase from the 1.000 colones that he usually pays.

Jorge Montero, a resident from the area asked for reciprocity since Costa Rica does not charge Nicaraguan vessels "a cent" for using the Sarapiqui River for supplying at Puerto Viejo.

Annex 170

"AN INFURIATING GAME" (EXTRACT) IN *LA NACIÓN*, SAN JOSÉ, 9 MAY 2001

TRANSLATION

AN INFURIATING GAME
(Extract)

LA NACIÓN, San José, Wednesday 9 May, 2001.

- **President Alemán continues to violate International Law**

It is a never ending story that becomes a nightmare with the passage of time and, while it persists, slowly undermines Costa Rica's rights to free navigation on the San Juan River. Two journalists from *La Nación* proved *in situ*, a few days ago, that Nicaraguan army soldiers are illegally charging Costa Rican and Nicaraguan citizens residing in the area, for each vessel and each person that navigates on the San Juan River.

The facts, proven and narrated yesterday by our journalists, are serious. Each vessel must pay $25 and each person $5 for "the right" to navigate and for "international anchorage", stated a sergeant in the corresponding receipt. In addition, if a vessel navigates on the San Juan and is forced to touch Costa Rican waters in order to return to the river, it must again pay the corresponding amount. If a Nicaraguan who is a resident of Costa Rica travels on the San Juan River in order to reach a Costa Rican point for carrying out commercial activities, that person also must be submitted to this measure on the departure and return. On the contrary, Nicaraguans who use the Sarapiquí River daily in order to buy provisions and then return to Nicaragua "do not pay a penny".

(...)

Annex 171

"NICARAGUA REJECTS ARBITRATION" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 11 MAY 2001

TRANSLATION

NICARAGUA REJECTS ARBITRATION
(Extracts)

LA NACIÓN, San José. Friday 11 May, 2001

Peñas Blancas and San José. Yesterday, Nicaraguan President Arnoldo Alemán announced that he would not submit the border dispute with Costa Rica to mediation or international arbitration.

During a visit made to his country's border facilities at Peñas Blancas, he also evaluated the $25 charged by soldiers from his Army to every Costa Rican vessel that transits on the San Juan River.

A statement made to the correspondent for *La Nación* responds to the "energetic protest" presented this Wednesday to the Nicaraguan government by the Costa Rican Foreign Affairs Ministry against the fees charged.

(...)

Nothing, nothing...

Alemán's visit to the border guard post in order to inaugurate a Ministry of Agriculture office led to the border closing for more than five hours.

Regarding the Costa Rican request to recur to international mediation, Alemán insisted that his country has "highest domain" over the river.

And added: "There is nothing and no reason for us to resort to an international organization, nothing, nothing".

He maintained that charging Costa Rican vessels "is established by the Cañas-Jerez Treaty" and insisted that "Costa Ricans must pay for navigating the San Juan".

But he went further: he warned that the border disagreement is a dispute that is "already resolved".

He stated that if Costa Rican police want to navigate on the river, they can do so as long as they request permission and travel without weapons.

"We are not going to deny them that. What is taken away from them with their asking for permission" he asked.

He was categorical in that "the only police that can transit with weapons on the river is the Nicaraguan and no other".

Annex 172

"BOLAÑOS SEES A SOLUTION ABOUT THE SAN JUAN" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 28 FEBRUARY 2002

TRANSLATION

BOLAÑOS SEES A SOLUTION ABOUT THE SAN JUAN
(Extracts)

LA NACION, San José, Thursday, February 28, 2002.

Meeting with Rodríguez in Managua.

- **Presidents ask Foreign Ministers to reinitiate dialogue**

A clear answer: "I believe it is possible". That is what the president of Nicaragua, Enrique Bolaños said when he was asked if he saw a solution to the conflict between Costa Rica and Nicaragua on the navigation of Costa Rican police officers in the San Juan river.

Bolaños spoke with Rodríguez here, for 45 minutes.

This happened after a Central American summit to prepare the joint meeting with George Bush, on March 24, in El Salvador. As a first step, it was decided to work toward the customs union of the isthmus.

Bolaños – who took office on January 10 – and Rodríguez agreed that their foreign affairs ministers should retake the conversations about the conflict, which, since July 1998, hinders Costa Rican armed police officers from navigating in the San Juan, which partially delimits the border between both countries.

Although they did not specify the process that will be followed by the two ministers in their conversations, the Nicaraguan minister, Norman Caldera, told *La Nación* that one of the goals is to "desanjuanize" the relations with Costa Rica.

He said this issue would be included in future meetings, but he mentioned that the agenda between the countries "is very rich ".

(...)

However, Bolaños´ tone was totally conciliatory, as opposed to his predecessor, Arnoldo Alemán – now President of Congress – who refused to discuss the subject while he was in office.

(...)

Annex 173

"BOLAÑOS PREFERS TO DEAL WITH PACHECO ON THE SAN JUAN CASE" IN *LA PRENSA*, MANAGUA, 3 MAY 2002

TRANSLATION

BOLAÑOS PREFERS TO DEAL WITH PACHECO ON THE SAN JUAN CASE

LA PRENSA, Managua, Friday 3 May, 2002

- **Requests that Rodriguez not heed his Minister of Foreign Affairs**

President Enrique Bolaños asked his counterpart in Costa Rica, Miguel Angel Rodriguez, to not heed the advice given by the Minister of Foreign Affairs, Roberto Rojas, who suggested Rodriguez sue Nicaragua before the International Court of Justice in The Hague before leaving power.

Last Thursday, Rojas recommended that Rodriguez escalate the differences between Costa Rica and Nicaragua since 1998 to the legal level to try and solve the dispute over the navigation of armed guards on the Nicaraguan side and the border dispute of the San Juan River.

"The Ministry of Foreign Affairs has decided to recommend to the President…and as the only solution to the existing conflict…that the issue be escalated to the legal level, having taken the corresponding previsions for that purpose," Rojas declared in a press conference.

"During a press conference, Minister Rojas suggested to President Rodriguez that he take this dispute with Nicaragua to The Hague before leaving power; we hope that President Rodriguez does not follow this ill advice which doesn't favor Central American harmony and especially, Central American integration.

He mentioned that he would also prefer to meet with President –elect, Abel Pacheco, who will assume power next May 8th; in other words, in five days.

"I would like to sit down with him and talk and negotiate. I ask President Rodriguez not to rush into anything and especially, not to listen to the advice given to him by the Minister of Foreign Affairs. I want to sit down with President Pacheco and begin negotiations with him. This matter can be solved amicably and in benefit of the peace of Central America. That is why we have not taken any steps – because President Rodriguez leaves and it's better to talk things over with the incoming President who will be there for the next 4 years," explained the Nicaraguan leader.

Annex 174

"NICAS RAISE RIVER CHARGE" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 21 MAY 2002

TRANSLATION

NICAS RAISE RIVER CHARGE
(Extracts)

LA NACIÓN, San José, Tuesday 21 May, 2002

- **Costa Rican Foreign Affairs Minister asks the embassy to investigate the matter.**

Sarpiqui (Heredia). In the past two weeks, Costa Rican boatmen and neighbors from the San Juan River border assured that the Nicaraguan authorities charged an additional two dollars for navigating on the river.

Thus, the total tax that Costa Ricans pay in order for them to be allowed to enter the controversial river has been raised to $9 (3,186), complained boatmen and Sarapiqui residents last Saturday

Apparently, the measure is applied on weekends starting at noon, on Saturday and holidays.

From Monday through Friday, Nicaragua charges a tax of $7 (2.478 colones) which has been in effect since January.

In addition to this charge, a "departure clearance" that can reach $25 for boatman transiting along the river is also required.

The measure was communicated verbally to vessel owners last Thursday by Nicaraguan military based in the Boca San Carlos village on the Northern border.

The Charges

According to the complaints, the $9 are charged at the guard post that the Nicaraguan Immigration Department established facing the mouth of the Sarapiquí River.

The head of that office refuses to receive the toll in colones although, in the past, they accepted national currency without any objection.

Although no Nicaraguan employee on the San Juan referred to the matter, on Sunday, the head of the Nicaraguan Immigration office on the border of Peñas Blancas, Gustavo Peterson, admitted that the additional tariff had been imposed during the weekends.

Peterson limited himself to say that it was related to a decision made by his superiors and that it was being applied in all Nicaraguan entrance points.

(…)

Immediate Consequences

For now, the consequences of this new charge are already being felt by local boatmen.

Geovanny Navarro and Pablo Hernandez, who filed complaints, state that since the measure has been in effect, residents from Puerto Viejo and the neighboring areas have decided to suspend their weekend trips to Barra del Colorado and Tortuguero.

"I already lost two tours and people are right. It's not fair that although we have the right to travel freely on our side of the river and for short distances, we must pay such a high price", said Navarro.

Even if the trip from Puerto Viejo de Sarapiquí and Barra del Colorado lasts about two and a half hours, Costa Rican vessels only need to travel on the San Juan for 25 kilometers.

That is the distance from the mouth of the Sarapiquí – where one enters Nicaraguan waters – and the area known as the Delta Colorado, where vessels re-enter waters that are exclusively Costa Rican.

The communities of Fatima, La Culebra and San Antonio are located along the Costa Rican bank of the San Juan River.

Its residents do not pay $9 although the vessel owners have to pay a departure clearance of 1.000 to 2.000 colones.

ANGUISH THAT DOESN'T CEASE

Economically speaking, this past year has not been a good one for Costa Rican vessel owners that offer tours from Puerto Viejo de Sarapiquí to Barra del Colorado and Tortuguero in the Caribbean.

They are forced to travel on the San Juan River for half an hour.

For boatman Pablo Hernandez, the adversities began in April 2001, when the Nicaraguan Army, without any warning whatsoever, forced them to pay an additional $25 to the 1.000 colones that they already paid.

Hernandez stated that raising their tour fees in order to cover the price increase, has led to a decrease in national tourism.

Now with a $9 being charged to passengers, the situation has suddenly become worse.

Like them, neighbors also complain. "I live in Puerto Viejo. I have a farm on our side of the San Juan River and in order to reach it I travel 1,500 meters by boat. For this distance, Nicaraguan officials want me to pay a sail fee of almost 4.000 colones. This is an intolerable abuse", stated one farmer who preferred to remain anonymous.

Annex 175

"IMMIGRATION CONFIRMS CHARGE TO TICOS ON THE SAN JUAN" IN *EL NUEVO DIARIO*, MANAGUA, 22 MAY 2002

TRANSLATION

IMMIGRATION CONFIRMS CHARGE TO TICOS ON THE SAN JUAN

EL NUEVO DIARIO, Managua, Wednesday 22 May, 2002

Where is that Money Going?

- **A total of nine dollars per person and Ticos cry out**

Nicaragua is putting order to the immigration movement of Costa Ricans along the Nicaraguan waters of the San Juan by charging two dollars per person, both for entering and for exiting, confirmed the Director General of Immigration, Luis Rodolfo Toruño.

"It's not that a new tariff is being applied", stated licentiate Toruño, "what is happening is that a customs fee is being applied which is clearly established by Nicaraguan law".

Toruño explained that any Costa Rican who wishes to enter the Nicaraguan waters of the San Juan River must pay five dollars for a tourism card, two dollars for entering and two dollars for exiting, as payment for an immigration charge.

He added, "In total, every foreigner that pretends to enter the San Juan River, which is Nicaraguan territory, must pay a total of nine dollars which is entirely authorized a long time ago".

Luis Rodolfo Toruño recalled that the two dollars paid for entering the country and the two dollars for exiting the country have been charged as an immigration fee for a number of years in Peñas Blancas and Guasaule.

The official reiterates that the nine-dollars charged to all Costa Ricans wishing to enter Nicaragua has been established for many years, "but by an omission it was not being fulfilled. Everywhere in the world, foreigners are charged a fee for entering another country and the incoming of Costa Ricans through the San Juan River cannot be the exception".

Toruño revealed that an explanatory document is being prepared in order to disseminate it to the Nicaraguan public as well as to the diplomats at the Costa Rican embassy in Nicaragua explaining why Nicaragua decided to apply the custom charge to Costa Ricans wishing to enter our territory.

Ticos cry out

Meanwhile, La Nación of Costa Rica published that in the last two weeks, Costa Rican boatmen and neighbors of the San Juan River assured authorities that Nicaraguans are charging an additional two dollars for traveling along the river.

"In this manner, the total charge that Costa Rican passengers must pay has been raised to nine dollars in order to be allowed to enter the river, claimed boatmen and residents from Sarapiqui", explains the story.

La Nación states that nine dollars are charged at the control post established by the Nicaraguan Department of Immigration facing the mouth of the Sarapiquí River.

Although no Nicaraguan officer referred to the matter at the San Juan, last Sunday, the head of the Nicaraguan Immigration Office at the Peñas Blancas border zone, Gustavo Peterson, admitted that an additional tax had been established during the weekend, states the newspaper.

"Peterson limited himself to saying that it was related to a decision made by his superiors and that it was being applied in all Nicaraguan entrance points", adds the report.

Costa Rica's Foreign Affairs Minister, Roberto Tovar, stated that he was not aware of this, since his office had not been notified by the Nicaraguan authorities.

For now, the Costa Rican newspaper states, the consequences of the new charge are already affecting the local boatmen.

Giovanni Navarro and Pablo Hernandez, who both filed complaints, admitted that since the measure has been in effect, residents from Puerto Viejo and nearby communities have decided to suspend their weekend trips to Barra del Colorado and Tortuguero.

Economically speaking, this past year has not been a good one for the owners of Costa Rican vessels that offer "tours" from Puerto Viejo de Sarapiquí to Barra del Colorado and Tortuguero, in the Caribbean.

For boatman Pablo Hernandez, the adversities began in April 2001, when the Nicaraguan Army, without any warning whatsoever, forced them to pay an additional $25 to the one thousand colones that they already were paying.

According to La Nación, Hernandez ascertained that raising their fees in order to cover the price increase, has led to a decrease in national tourism. Now with the $9 charged to passengers, the situation has become worse.

Annex 176

"COSTA RICA DEFENDS DIALOGUE" (EXTRACT) IN *AL DÍA*, SAN JOSÉ, 17 JUNE 2002

TRANSLATION

COSTA RICA DEFENDS DIALOGUE
(Extract)

AL DÍA, San José, Monday, 17 June, 2002

Nicaraguan Congressmen Turn Down the Arrangement for the San Juan River.

Costa Rica's government said yesterday that although liberal and sandinista congressmen of Nicaragua are opposed to a settlement between Managua and San José of the dispute over the San Juan river, " the road to dialogue" to reach an agreement is already open, in spite of diverging criteria.

The intention of Nicaraguan president, Enrique Bolaños, of finding a prompt solution to the conflict with Costa Rica because of free navigation in the San Juan River, meets legislative rejection in his country.

When questioned on this issue, Costa Rica's Minister of the Presidency, Rina Contreras, said that the government "opened the road to dialogue with its Nicaraguan counterpart, they respect diverging positions, and they expect to find a prompt solution to the conflict".

However, Nicaraguan legislators said yesterday in Managua, that Bolaños cannot make verbal agreements with Costa Rica to allow armed Costa Rican guards to navigate in the San Juan River.

Last Friday, in a breakfast meeting with foreign correspondents, Bolaños said that Costa Rica has never questioned Nicaragua's rights over the river, and that his government would allow Costa Ricans to navigate in it.

The president implied that his government is willing to reverse the prohibition, without signing any agreements. "I do not know how this will be done, but it would be by mutual agreement… as it was done before the problem", he said.

Sandinista congressman, René Núnez, told the morning paper La Noticia de Managua that he disagreed with Bolaños.

The National Congress, he said, will oppose that verbal agreement suggested by Bolaños to settle the conflict with Costa Rica. "Bolaños proposal attempts against the country's sovereignty", he said.

Liberal congressman, Wilfredo Navarro, first vice-president of the National Congress, also lashed out against an eventual verbal agreement between both countries. "No armed tico will navigate in our river, because it goes against our sovereignty and offends our national dignity", he declared.

(...)

Annex 177

"NEIGHBOURS IN THE SAN JUAN RIVER FEEL DEFENCELESS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 22 JUNE 2002

TRANSLATION

NEIGHBOURS IN THE SAN JUAN RIVER FEEL DEFENCELESS
(Extracts)

LA NACIÓN, San José, Saturday 22 June, 2002

Prohibition to police passage

- **They are disappointed that Nicaragua charges for navigation**

While the Costa Rican government detracts importance from the San Juan River dispute with Nicaragua, neighbours in the river area feel unprotected due to the absence of Costa Rican police.

In addition to the lack of security, neighbours feel defenceless before the fees charged by Nicaragua for use of the river.

La Nación toured the river on Tuesday and Wednesday of this week and gathered first hand testimony from the neighbours in the area.

The inhabitants of settlements such as Palo Seco, Cureña or Fatima feel that their security has withered since 15 July, 1998, when the Nicaraguan government forbade the Costa Rican civil guards from transiting on the river with their service arms.

"Before, our police would visit us almost every day; now up to two months pass by and we just do not see them", manifested Carlos Rugama Guzmán, a neighbour of Fatima.

Transiting on the river was not only important for supplying 7 police posts, but also for guarding the Costa Rican river bank which comprises 130 kilometres of natural border.

Until July 1998, the passage of Costa Rican police on the San Juan River had been a usual practice for many years, in mutual agreement with Nicaragua.

In fact, the Public Security Ministry has recorded 402 trips for supply purposes.

Missions of Mud

After Nicaragua's decision, supplying the guard posts to the west of the Sarapiquí River mouth is now done by land.

Taking supplies and relieving the guards every two weeks has become an extremely difficult task at the Delta Costa Rica, Puerto Lindo and Barra del Colorado Southern and Northern.

The operation which previously lasted one or two hours now requires a minimum of 6 hours, if the rain and trails allow.

At least three patrol vehicles have turned over and often the police are forced to continue the journey on foot, carrying food, clothing and their arms.

Access to the post on the mouth of the Sarapiqui, is possible without having to cross the San Juan River but its police must walk through the mountains when they need to run errands or deliver subpoenas.

For example, in order to reach Cureña, the journey lasts a day and a half and if it rains they must wait for the tides from various rivers to recede.

This must be all done on foot since they do not even have a horse, according to Ramón Godínez, head of the post.

However, if the journey is done on the San Juan, it would not last more than 30 minutes.

"If there is an emergency due to a natural disaster or committed by someone, it would be impossible for us to respond quickly", emphasized Godínez.

In order to reach Cureñita de Sarapiquí, it can only be done through the San Juan River. The guard post located there, known as Delta 14, was closed down two years ago.

(...)

Charges

The Cañas-Jerez Treaty of 1858 guarantees Costa Ricans the free transit on the river, but it is already common for Nicaraguan authorities to charge people $9 (3.222 Colones) for navigating on the river

In addition, all vessels must pay 1.000 Colones.

Flora Arguedas and her daughter Jacqueline Campos, who live in San José, were travelling to Barra del Tortuguero on Tuesday on the vessel *Tarkan* and they had to pay $2.00 for entering the river, $2.00 for exiting and $5.00 for the required tourist card.

They stated that the charge is an abuse by Nicaragua: "We, Costa Ricans have the right to free navigation", they claimed.

William Rojas, president of the Tourism Chamber of Sarapiquí, considered that the imposition of that charge discourages the presence of national tourism in their region and assured that in fact a number of excursions have been cancelled because of the elevated costs.

Voices on the River

Police and neighbours tell the difficulties that they face living under Nicaraguan restrictions on the San Juan River.

The officers are worried about the difficulty in reaching their posts and perform their duties; neighbours complain about being abandoned by the government.

Torture

Felix Amador, police officer of Delta Costa Rica.

"Each personnel relieve, either going or returning, is simply torture given all the difficulties that we must face due to the disastrous state of the Caño Zapota-Puerto Lindo de Pococí roads.

"On occasions we have lasted up to seven hours travelling from Puerto Viejo de Sarapiquí to Delta Costa Rica".

Tied

Ramón Godínez, head of the Costa Rican post at Boca Sarapiquí in the province of Heredia.

"In this area all the commissions, such as delivering subpoenas, we must do them on foot, walking through mountain trails and crossing rivers".

"Under these circumstances we feel that we are tied since our mobility capacity is quite reduced".

Almost Never

Juan Guzmän, farm owner in Fatima de Sarapiquí, Heredia.

"Since the Costa Rican police cannot travel upstream or downstream on the San Juan, we as neighbours in these settlements feel less protected".

"Residents such as myself miss the times when the patrol boat from the Public Security Ministry would remain at the edge of the river ready to answer any call in order to transport a wounded or sick person".

Marginated

Dianey Gómez, school teacher at Cureña de Sarapiquí.

"In order not to depend on the San Juan, the Costa Rican government must build roads parallel to the river margin".

"We cannot continue to be oppressed by the whims of the Nicaraguan authorities that control our right to free navigation guaranteed by the Cañas-Jerez Treaty at their convenience. "Historically, the government has not listened to us".

(...)

Annex 178

"THE SAN JUAN FROZEN" IN *LA PRENSA*, MANAGUA, 27 SEPTEMBER 2002

TRANSLATION

THE SAN JUAN FROZEN

LA PRENSA, Managua, Friday 27 September, 2002

- **Nicaragua and Costa Rica agree to suspend for three years claims and lawsuits regarding the San Juan River**
- **Bolaños predicts that at the end of this term neither neighbouring country will need to resolve their differences in the courts**

The government of Costa Rica undertook yesterday to set aside for three years any action or claims against Nicaragua in the international courts of justice over disagreements related with the San Juan River, located in Nicaraguan territory.

This moratorium, agreed to by the Presidents of Nicaragua and Costa Rica, Abel Pacheco and Enrique Bolaños, is to provide more opportunity for dialogue and to strengthen the friendship between both nations, confirmed Nicaraguan Foreign Minister Norman Caldera.

The bilateral agreement has seven points and was signed during an extraordinary summit of the Central American presidents in Alajuela, Costa Rica, where Nicaragua also committed to freeze for three years its actions in response to an eventual accusation at the International Court at The Hague.

President Bolaños stated, in San José, that "we always acknowledge the International Court and precisely what we are doing now is establishing a standstill period, but I am certain that in three years Nicaragua and Costa Rica will not need to have recourse to any court".

The declaration by both governments states that "Nothing in this Agreement shall be interpreted or prejudged as being a renunciation of positions or a relinquishment or weakening of the rights which each of the Parties holds and retains in accordance with existing treaties in the framework of international law."

What Costa Rica and Nicaragua immediately eliminated are their charges for bordering vicinal transit, which depends on vicinal permits.

In other business, the Central American presidents subscribed an agreement to establish the headquarters of the regional energy regulator entities in Guatemala, and negotiate the location of the electrical companies in El Salvador or Honduras.

Foreign Minister Caldera informed that all of isthmus' presidents agreed to modernize the Central American Economic Integration Bank (BCIE) by January 1, 2003 in order to present a united front during the Free Trade Agreement negotiations with the United States (CAFTA).

The Reservation

Nicaragua rejected the jurisdiction of the International Court of Justice at The Hague for the San Juan River case originating on treaties or arbitral awards emitted before December 31, 1901.

During this period, the Cañas-Jerez Treaty of 1858 and the Cleveland Award of 1888 were subscribed, establishing Nicaragua's sovereignty over the San Juan River and Costa Rica's right to navigate on the river only for commercial purposes.

Costa Rica and Nicaragua agreed, yesterday, to a standstill period of three years, with the hope that afterwards it will not be necessary to have recourse to any court, as explained by President Enrique Bolaños.

No more fees

Nicaragua and Costa Rica agreed to eliminate immigration charges starting next January 1st. Nicaraguans would cease to pay the 20 dollars visa fee to Costa Rica and Costa Ricans would not need to pay the immigration card to Nicaragua.

Annex 179

"A RIVER OF CALM AND FEES" IN *LA NACIÓN*, SAN JOSÉ, 14 MAY 2003

TRANSLATION

A RIVER OF CALM AND FEES

LA NACIÓN, San José, Wednesday 14 May, 2003

Only those residents of the San Juan River who are well-known by the Nicaraguan authorities are not required to pay the fee they charge.

Everyone else must pay $5 for a tourist card and $4 for "entering and exiting the river", even if they never set foot on Nicaraguan land.

A group from *La Nación* navigated along the San Juan yesterday from the mouth of the Sarapiquí River up to the San Juan Delta and confirmed that they had to pay the Nicaraguan taxes like any Costa Rican who did not live along the river bank.

Boatman Gerardo Gonzalez stated that he hoped that Costa Rica would convince Nicaragua to eliminate these charges since fewer tourists have been visiting the area from 1998.

In addition, Nicaragua raised the cost of the navigation permit from 2.000 to 4.000 colones for boatmen.

Before 1998, these charges did not exist, stated Gonzalez.

Cordial

Although the prohibition against the navigation of Costa Rican police was imposed five years ago, Costa Rican and Nicaraguan authorities maintain a cordial relationship.

"We have a great collaborative relationship. There is zero conflict", emphasized Costa Rican Public Safety Minister Rogelio Ramos.

The Nicaraguan army even gave the Costa Rican police materials to rebuild one of the four guard posts on the river.

Since 1998, these guard posts have received their supplies by land every 15 days.

"It is complicated, but this problem isn't the end of the world", commented the Minister.

However, neighbours wish to have greater police presence in the area, since they fear crime and the transit of strangers along the river.

Annex 180

"CHARGE FOR TICOS TRAVELING ON THE SAN JUAN REINSTATED" IN *EL NUEVO DIARIO*, MANAGUA, 7 MAY 2004

TRANSLATION

CHARGE FOR TICOS TRAVELING ON THE SAN JUAN REINSTATED

EL NUEVO DIARIO, Managua, Friday 7 May, 2004

Complains from residents who own properties on the border

Boca San Carlos (Northern Border) On 1 May, the Nicaraguan Army reinstated a "toll" for Costa Ricans living on the bank of the San Juan River for navigating on the river, complained various affected residents to the Public Force.

They demand that each of the residents who need to travel to their properties located on the Costa Rican side of the San Juan River pay 700 colones.

This situation has been going on, even though on 26 September, 2002, the governments of Costa Rica and Nicaragua signed an agreement that eliminated "any charge that would affect the free border vicinal transit".

This agreement was included in the same document in which Costa Rica accepted to postpone any type of international court process in order to resolve the differences arising from armed Costa Rican police navigation on the San Juan.

Since 1998, Managua has impeded such transit on the river.

The Cases

La Nación knew of various cases that have occurred at the Army post at the mouth of the San Carlos River.

Last Saturday and Monday, Jason Hernandez Vergas needed to travel 600 meters along the San Juan from Boca San Carlos to his farm as he does every day. When he reported at the Army post he was charged a toll of 700 colones.

According to Hernandez, when he reached the post, they requested the payment and told him that they will continue to charge everyone the fee "due to orders from their superiors".

"We never expected this since they (Army members) frequent the shops at Boca San Carlos and no one says anything to them", stated Hernandez.

Luciano Santana, a resident from Cureña de Sarapiquí – Heredia- was also surprised on Saturday after he was charged the "toll" of 700 colones in order to navigate the river.

Santana denounced the situation to the Pital public force post.

He told police delegate Victor Julio Vargas that a sergeant surnamed Chavez informed him of the toll when he went to report his entrance to the river.

The Nicaraguan officer also indicated that he was doing it under "orders from his superiors". Vargas stated that he would inform his superiors at the Ministry of Public Security.

Most of the Costa Ricans living on the San Juan River bank use the river on a daily basis as a route for reaching their properties since many communities do not have another access route. The longest distance that they travel is six kilometres.

Their documents were confiscated

Saturday at noon, Victor Valverde, Walter Rodriguez and Alexis Picado were traveling on the Costa Rican bank of the San Juan River in Tiricias de Cutris, San Carlos when they were intercepted.

A group of inspectors from the Nicaraguan Ministry of Environment and Natural Resources (MARENA / Spanish acronym) detained them and confiscated two ice boxes, a fishing rod, a bag with clothing and all of their personal documents.

They penalized the group of Costa Ricans for intending to fish in the waters of the San Juan River. However, upon denouncing the incident to the Costa Rican authorities, the affected party assured that as they did many other times, they were heading to a nearby canal on the Costa Rican side where they use to fish.

The group explained that they were told by the employees from Marena to retrieve their personal documents at the Marena post in the Nicaraguan community of El Castillo.

Rolando Potoy, head of the Police Force at Los Chiles, confirmed to La Nación, that they had received the complaint from the three men.

Annex 181

"THE NORTHERN BORDER: AN OPEN DOOR FOR DRUG DEALERS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 13 JUNE 2005

TRANSLATION

THE NORTHERN BORDER: AN OPEN DOOR FOR DRUG DEALERS
(Extracts)

LA NACION, San José, Monday, 13 June, 2005.

Traffickers use more than 20 "blind passages"

Scarce police presence in 330 km of border line with Nicaragua
Paths and rivers help to evade antidrugs base in Peñas Blancas

Northern Border. During the last few years, more than 330 Kms of the border with Nicaragua has turned into a huge open door for drug dealers to the North.

The almost non-existent presence of police officers in the border line and the several paths, rivers and private landing strips that nobody controls, favour drug dealers.

In this vast border strip there are over 20 "blind passages", through where not only drugs are secretly smuggled, but also guns, clothes, and cattle.

The vulnerability of the zone is greater, because of the complicity of some farmers that lend their properties for smuggling activities.

(...)

Fátima Flores, second commander of the Police in Rivas, Nicaragua, spoke clearly:
"There are at least 20 "blind passages" to cross from one country to the other. Highly-pure drugs of are being smuggled from Costa Rica."

The facts proved she is right. Two months ago, the Police in Rivas, arrested seven men with 130 kilos of cocaine in three light trucks, in the municipality of Cárdenas, bordering with Costa Rica.

Free passage. The most vulnerable border area is a stretch that goes from Peñas Blancas to Santa Elena, and La Virgen de la Cruz, in Guanacaste.

This is an area of more than 50 Kms along the border, with weak police presence.

All this vast territory must be patrol by one police officer, who does not have a vehicle.

For Noel Guerrero, chief of the Northern Command of the Public Force, the lack of personnel, transportation, and communication equipment, complicates the situation.

(...)

"Strange things happen here; a long time ago we could hear small airplanes at night and at dawn that seemed to be trying to find the beach of the lake", told Antonio Solórzano, a Nicaraguan that lives near the lake of Nicaragua.

In the case of Los Chiles, only 10 police officers are distributed in five posts along the 58 Kilometres that this canton of Alajuela shares with Nicaragua.

Last year, more than 100 kilos of cocaine, which the Nicaraguan police confiscated in Santa Rosa de Rio San Juan, were smuggled through the sector of La Trocha de Los Chiles.

By water. The coastal towns in the Pacific also have very little police surveillance.

In El Jobo, Puerto Soley, and Cuajiniquil most of the boats make trips without a sailing authorization, because there are no police officers there.

"It is common to see boats of Nicaraguan flag at night. Here nobody watches, nobody controls", admitted one police officer.

In Los Chiles and San Carlos there is no control over the Medio Queso and Pocosol rivers, which flow into in the Nicaraguan San Juan River.

Only 15 men to cover 48 kilometres

Upala, Alajuela. Going from this canton, that stretches along 1.580 Km^2, to Nicaraguan territory by land or by water, is easy.

There are many "blind passages", and in contrast, very little police officers in control posts.

This explains why it is common to find contraband of cattle, clothes, medicines, grains, and a wide range of merchandise.

Upala shares with Nicaragua, 48 kilometres of linear border line, that have to be covered by 15 Costa Rican police officers, in a ratio of three officers for each of the surveillance posts in the zones of San José, El Delirio, Delicias, México, and San Isidro.

(...)

The water route is very favourable, because the Niño and the Zapote rivers, which are navigable all year round, flow into the Gran Lago.

In the case of the Niño River, the only control post is in the locality of San José, where there are informal docks.

Then, during the 1-hour boat trip, until you reach Nicaraguan soil, you will not see one single police officer.

The same happens with the Zapote River, used as a secret passage by Nicaraguan fishermen and hundreds of undocumented migrants.

"We need personnel and most of all a boat to get into those areas", claimed Heiner Araya, the local second commander.

Annex 182

"THE ARMY GUARDS THE RIVER" (EXTRACT) IN *LA PRENSA*, MANAGUA, 1 OCTOBER 2005

TRANSLATION

THE ARMY GUARDS THE RIVER
(Extract)

LA PRENSA, Managua, Saturday, 1 October, 2005

San Juan River, Managua, and San José. Intercept, capture or open fire, is the order received yesterday by the Nicaraguan surveillance patrol in the San Juan River, in case a vessel with Costa Rican armed guards is sighted.

Yesterday, Colonel Ricardo Sánchez, chief of the Southern detachment, ordered the boat of the National Army, hoisting the blue and white Nicaraguan flag, to sail on a mission to protect the sovereignty of the San Juan River. The vessel strengthened the Nicaraguan military posts in El Castillo, Bartola, Boca de San Carlos, Sarapiquí, Delta, and San Juan de Nicaragua.

Captain Justo Josué González, chief of the border zone and of the surveillance patrol in the river, sailed at noon, on Friday, with a contingent of armed soldiers and the necessary ammunition to fulfil his mission.

Colonel Sánchez said that this measure would not affect the routine of local residents or tourists.

"We will see that the right of sail is observed, and there is no problem if Costa Rican boats navigate in the river, for commercial purposes, or if they bring tourists. But, we will not tolerate that Costa Rican guard enters armed", warned the military chief.

(...)

Annex 183

"IN ALERT" IN *LA RLPÚBLICA*, SAN JOSÉ, 1-2 OCTOBER 2005

TRANSLATION

IN ALERT

LA REPUBLICA, San José, Saturday 1 October, and Sunday 2 October, 2005.

Members of the Nicaraguan Army perform manoeuvres in Managua. After Costa Rica presented the case for the San Juan River before the International Court of Justice in The Hague, Enrique Bolaños, President of that country, ordered not to permit "under any circumstance" that Costa Rican guards navigate armed on that waterway.

Annex 184

"WE CAN STOP THE CASE" (EXTRACTS) IN *EL NUEVO DIARIO*, MANAGUA, 2 OCTOBER 2005

TRANSLATION

"WE CAN STOP THE CASE"
(Extracts)

EL NUEVO DIARIO, Managua, Sunday 2 October, 2005

Norman Caldera, Nicaraguan Foreign Affairs Minister:

(…)

Remittances and Human Rights

The Nicaraguan Parliament also has its own initiative of taxing Costa Rican imports as a response. Do you believe that this will help bilateral understanding, independently of the trial?

We are asking the Assembly to look at this matter since there are many reasons for which different measures may be taken. When measures are taken as a reaction to a court lawsuit, that same Court may interpret it as if the measures were being taken against it.

We have to see what measures can be taken based on other points of view so it is not interpreted that we want to punish the Court for having accepted the case. What we could achieve with measures like this is to make the Court hostile.

(…)

Annex 185

"NICARAGUA CONDITIONS PASSING OF COSTA RICAN VESSELS" (EXTRACT) IN *LA NACIÓN*, SAN JOSÉ, 16 OCTOBER 2005

TRANSLATION

NICARAGUA CONDITIONS PASSING OF COSTA RICAN VESSELS
(Extract)

LA NACIÓN, San José, Sunday 16 October, 2005

Conflict for the navigation on the San Juan River

Starting tomorrow, it will be required that the Nicaraguan flag be visible. In addition, Nicaraguans will request Costa Ricans living in the area to present identification.

Boca San Carlos, Northern Border. Starting tomorrow, Costa Rican vessels transiting on the San Juan River will be required to carry the Nicaraguan flag in a visible area.

The measure was communicated verbally to vessel owners last Thursday by the Nicaraguan Military based in front of the Boca San Carlos village on the Northern border.

Also, local residents must present identification documents each time they enter or exit the river, on which they depend for agricultural, commercial and other activities

The unexpected decision applies to all inhabitants, notwithstanding if they are minors or adults.

This affects those people who live in small villages such as Boca San Carlos, Chorrera sand Caño Jardin de Cutris, Ochoa, Cureña and Remolinito de Sarapiqui.

First time: Many of the affected people stated their surprise at the measure. "They caught us by surprise since after more than five decades of living here, this is the first time that these requirements are forced upon me", stated Jorge Morales, an officer at the Boca San Carlos Development Association.

Morales, who has a farm in Chorreras, 10 km from his house, called the resolution arbitrary and revealed that he is not willing to follow it even if it means abandoning his property.

Zoraida Lopez confirmed that the military told her husband, Eddy Martinez that each time he transported 16 young people from Cureña, who study at the

Telesecundaria at Boca San Carlos; he must place the Costa Rican as well as the Nicaraguan flag (blue and white) on his boat.

"If you he does not do it he could be fined or forbidden to travel", commented Lopez.

She added that she was truly worried: "First, due to the fact that my husband needs to travel every day. Second, because we do not have another way for traveling to Boca San Carlos save the San Juan and, third, it is impossible to find a Nicaraguan flag in this area".

The closest Nicaraguan community is El Castillo, three hours by boat and the expense for gas is around 22,000 Colones.

Separately, Jose Ramírez interprets the events taking place as reprisal by the authorities from the neighbouring country due to the measures taken by Costa Rica to take the river conflict to the Court at The Hague.

"It's really bothersome to request documentation from us who have always lived here and who sometimes navigate no more than one kilometre", he stated.

Testimonies

Ridiculous
Name: Jorge Morales
Age: 48
Profession: Member of the Association in Boca San Carlos
"It is ridiculous that they force my small, old boat to carry the flag since I have always lived here. The Nicaraguan authorities have gone too far".

Dignity
Name: Victor Acuña
Age: 48
Profession: Farmer
"I'd rather not enter the San Juan River anymore before accepting this measure. This isn't an act of rebelliousness or of belittling the Nicaraguan flag. Nevertheless, for me it is a question of national dignity".

Injustice
Name: Jorge Espinoza
Age: 52
Profession: Farmer
"It's just a foolishness from the Government of Nicaragua who wants to be "a pain" since it is impossible to find a Nicaraguan flag in this country".

No Way Out
Name: Zoraida Lopez
Age: 48
Profession: Housewife

"If they make us put the flag we have no choice but do it because they are the boss here. But…where will we find one?"

(…)

Annex 186

"COSTA RICAN VESSELS WILL BEAR THE NICARAGUAN FLAG" IN *LA PRENSA*, MANAGUA, 17 OCTOBER 2005

TRANSLATION

COSTA RICAN VESSELS WILL BEAR THE NICARAGUAN FLAG

LA PRENSA, Managua, Monday, 17 October, 2005.

Costa Rican vessels navigating on the San Juan River will have to bear the Nicaraguan flag according to an order by the Nicaraguan Army, informed Colonel Ricardo Sanchez, and head of the Southern Command.

This provision has caused unconformity of the Costa Ricans living near the river bank, indicated a report by the AP international news agency.

Colonel Sanchez stated that no vessel had been forbidden from entering or transiting on the San Juan River, but they are being charge the national sail authorization which is 20 cordobas as well as the international one which costs five dollars or its equivalent in colones.

For example, he stated that on Friday 14 of this month, 12 Costa Rican vessels and 7 Nicaraguan vessels entered the river with 67 Costa Rican citizens and nine U.S. citizens.

"We are forcing the owners of the vessels (which have a flag staff or pole to hoist the Nicaraguan flag", signalled the military chief.

Costa Rican Jorge Morales, from the Boca San Carlos Development Association complained because after living in the river bank for five decades, it is the first time that such requirement is demanded.

Alfredo Cordoba, Mayor of that region, will present a complaint to the Foreign Affairs Ministry in Costa Rica. He believes that this decision is in retaliation due to the lawsuit presented by Costa Rica at the Court in The Hague in 1998 after police from his country were forbidden from navigating on the river with arms.

However, Colonel Sanchez assured that this is one of the measures that must be complied with to protect the sovereignty of the San Juan River.

The Army reinforced the vigilance at the Nicaraguan military posts in El Castillo, Bartola, Boca San Carlos, Sarapiqui, Delta and San Juan de Nicaragua.

Annex 187

"NICARAGUA CONDITIONS PASSING OF COSTA RICAN VESSELS" IN *EL NUEVO DIARIO*, MANAGUA, 17 OCTOBER 2005

TRANSLATION

NICARAGUA CONDITIONS PASSING OF COSTA RICAN VESSELS

EL NUEVO DIARIO, Managua, Monday, 17 October 2005

Conflict over navigation on the San Juan River

- **Starting tomorrow, a Nicaraguan flag is required to be carried**
- **Moreover, Nicaraguans will require identification from inhabitants**

Boca San Carlos, Northern Border. Starting today, Monday, transit of Costa Rican vessels on the San Juan will be subject to the condition that they carry a Nicaraguan flag in a visible place.

The requirement was informed verbally last Thursday to the owners of vessels by the Nicaraguan military posted in front of the community of Boca San Carlos, in the northern border.

Moreover, the inhabitants will have to present their identification documents each time that they need to enter or exit the River, on which they depend to carry out their agricultural, commercial and other activities.

The unexpected decision is applied to all inhabitants, regardless of whether they are minor or of legal age.

It will affect those who live in the small villages such as Boca San Carlos, Chorreras and Caño Jardín of Cutris, Ochoa, Cureña and Remolinito of Sarapiquí.

Several of those affected expressed their surprise over the measure. "We were taken by surprise, because in my almost five decades of living here this is the first time that I am being demanded such requirements", said Jorge Morales, board member of the Boca San Carlos Development Association.

He, who has his farm in Chorreras, some 10 kilometres from his house, described this decision as arbitrary, and said he is not willing to abide by it even if it implies having to abandon that property. Zoraida López confirmed that the military informed his husband, Eddy Martínez, that each time that he transports the 16 youngsters from Cureña that study at the high school in Boca San Carlos he will have to place in his boat both the Costa Rican and the Nicaraguan (blue and white) flags.

"If he does not comply he could be fined or his transit impeded", remarked López.

She added that her concern is threefold: "Firstly, because my husband needs to travel every day. Secondly, because we don't have another way to go to Boca San Carlos that is not through the San Juan, and thirdly, because in this region it is not possible to obtain the Nicaraguan flag". The nearest Nicaraguan community is El Castillo, three hours by boat and the cost of fuel is around the 22.000 colones.

On his part, farmer José Ramírez interprets what is happening as a reprisal from the authorities of the neighbouring country to the measure taken by Costa Rica to take the river conflict to the Tribunal of The Hague.

"It is absurd to ask for papers to those of us who have always lived here, and who sometimes only navigate for a kilometre", he said.

Annex 188

"TICOS WILL PAY FOR A VISA" IN *EL NUEVO DIARIO*, MANAGUA, 19 OCTOBER 2005

TRANSLATION

TICOS WILL PAY FOR A VISA

EL NUEVO DIARIO, Managua, Wednesday 19 October, 2005

A decree already in La Gaceta

- **100 thousand Costa Ricans enter the country each year and the money collected will be used to face the suit against us in The Hague.**

President Enrique Bolaños made the immigration measure official which states that any Costa Rican citizen, who wants to enter Nicaraguan territory, must request a consular visa which costs 20 US Dollars and pay an extra 5 US Dollars which is the cost of the application form as was recently announced by Foreign Minister Norman Caldera.

The official newspaper La Gaceta, in its past edition of 17 Monday, published Decree No. 70-2005, signed by President Bolaños, thereby reforming Decree No. 27-2005 regarding country visas and placing Costa Rica on the visa requirements from Article 3 whose citizens have been placed in Category B since Monday, establishing that, depending on the type of passport they carry, they will require a consular visa for entering Nicaraguan territory.

The decree explains that a Costa Rican citizen who needs to enter Nicaragua carrying an ordinary passport must show a consular visa obtained by paying the corresponding taxes.

Also, the new decree clarifies that all Costa Ricans carrying a diplomatic, official or a service passport is exempt from paying the visa, according to a Joint Agreement between both countries subscribed on January 31, 1993.

It must remember that Foreign Affairs Minister Norman Caldera, upon announcing these immigration measures towards the Costa Ricans, argued that it was a reciprocal measure since each Nicaraguan entering Costa Rican territory had to pay a $20 visa fee.

In addition, he explained that with such measure, considering that some 100 thousand Costa Ricans enter Nicaraguan territory each year, the funds necessary to allow Nicaragua to face the case presented in The Hague over the San Juan River will be obtained.

At that moment, Minister Caldera indicated that with that measure Nicaragua would not need to impose the patriotic tax of 35 percent to Costa Rican products that enter Nicaragua, an initiative that was proposed by some members of the National Assembly.

Annex 189

"NICARAGUA DEMANDS A VISA AND PASSPORT ON THE RIVER" IN *LA NACIÓN*, SAN JOSÉ, 30 OCTOBER 2005

TRANSLATION

NICARAGUA DEMANDS A VISA AND PASSPORT ON THE RIVER

LA NACIÓN, San José, Sunday 30 October, 2005

Requirements for traveling on the San Juan

- **Upon being notified, neighbors from Sarapiquí referred to the measures as absurd**
- **They foresee a large drop in the navigation between Puerto Viejo and Barra del Colorado**

Puerto Viejo, Sarapiquí. Costa Ricans will not be able to navigate on the San Juan River without a passport and consular visa that costs $20 (9.820 colones) granted by Nicaragua.

The new demands of the Nicaraguan government began to be verbally communicated last week to the owners of Costa Rican vessels transporting passengers and merchandise between Puerto Viejo de Sarapiqui and Barra del Colorado and Tortuguero in the Atlantic.

Costa Ricans are forced to navigate 22 kilometers on the San Juan, specifically between the mouth or Boca del Sarapiqui and the sector known as Delta San Juan in order to re-enter national waters after entering the Colorado River.

A Nicaraguan immigration official covering the mouth of the Sarapiqui personally communicated the new requirements to boatman Geovanni Navarro, a resident of Puerto Viejo.

"Last Sunday he told me that on my next trip, in addition to carrying the Nicaraguan flag, I had to present both documents – a passport and a visa- the same as the passengers and if not he would not allow me to continue my trip", Navarro told *La Nación*.

The carrier, Santos Arrieta, received the same warning, but yesterday those who were navigating between Bocas San Carlos and Boca Sarapiqui did not know it.

Damage. In Puerto Viejo where 18 boatmen have their operations base, the Nicaraguan measure has caused great concern due to the negative repercussions it would represent for them.

Pablo Hernandez stated that if Nicaragua forces them to pay, in addition to the $9 (4.419 colones) as was established in 2002, a $20 visa; the transportation costs would become very expensive; as a result, fewer nationals from other regions will come to the area.

"The arrival of visitors dropped by 80 percent since the $9 charge was imposed; now things are worse which could lead to our ruin", said Hernandez.

Testimony

Uncertainty

Name: Geovanni Navarro
Age: 33 years-old
Nationality: Costa Rican
"If the government does not intercede for us, there will be no other choice but to comply with the Nicaraguan demands. If not we will be left without a source of income. We feel that the Government has abandoned us and that is why we are asking the Foreign Ministry to intervene."

Annex 190

"COSTA RICAN FOREIGN AFFAIRS MINISTER SEEKS DIALOGUE REGARDING VISAS AND FLAGS" (EXTRACT) IN *EL NUEVO DIARIO*, MANAGUA, 1 NOVEMBER 2005

TRANSLATION

COSTA RICAN FOREIGN AFFAIRS MINISTER SEEKS DIALOGUE REGARDING VISAS AND FLAGS

(Extract)

EL NUEVO DIARIO, Managua, Tuesday 1 November, 2005

Problems with the San Juan and the New Immigration Law

The Costa Rican Foreign Affairs Minister Roberto Tovar affirmed that he would speak with his Nicaraguan counterpart Norman Caldera in order to address certain situations that he feels are worrisome after his country decided to take the San Juan River conflict to the International Court of Justice at The Hague. Among them, a visa fee and requiring Costa Ricans traveling on the San Juan River to carry a passport. In addition to this, boatmen are required to hoist a Nicaraguan flag on their vessels if they want to transit on the river.

Although these measures have not been officially communicated, certain news media already consider it a fact given that the boatmen and residents from the area have been told so by Nicaraguan authorities.

The newspaper La Nación published that various boatmen in the area had stated that they had been told that "we should present both documents – a passport and a visa – the same as the passengers, if not; they will not allow me to continue my trip".

In this regard, the Costa Rican Foreign Affairs Minister said that he was confident that this situation would be resolved through dialogue, given that, if true, this measure could be detrimental to the residents who consuetudinary have used this waterway.

(...)

Annex 191

"TICOS CLAIM 'NEW AND ADDITIONAL' RIGHTS" IN *EL NUEVO DIARIO*, MANAGUA, 4 NOVEMBER 2005

TRANSLATION

TICOS CLAIM "NEW AND ADDITIONAL" RIGHTS

EL NUEVO DIARIO, Managua, 4 November 2005

One of them being that their police sail the San Juan armed

- **Agent of Nicaragua before The Hague states that they are still trying to impose the transportation of passengers and tourists.**
- **He does not believe that the International Court will diminish the principle of sovereignty upon which the international legal order is based.**

The ticos claim new and additional rights over the San Juan River before the International Court of Justice, "which are not contemplated within the Jerez-Cañas Treaty of 1858", revealed the Agent of Nicaragua in the Hague for the case of Costa Rica, Mauricio Herdocia Sacasa.

The jurist stated that among those rights Costa Rica intends to have over the San Juan River, it stands out the ridiculous intention of allowing their policemen to sail the river armed in Nicaraguan sovereign territory.

He adds that another intention is the transportation of passengers and tourists also in "Nicaraguan sovereign territory" and finally intends to overlook the control and jurisdiction mechanisms which Nicaragua, as sovereign, has the right to exercise in all of the national territory.

"The aforementioned basically summarizes the three approaches expressed by Costa Rica. The most important issue here is that none of those approaches is based on any legal ground within the Jerez-Cañas Treaty or within the Cleveland Award", he stated.

"On the contrary," added the specialist, "the Jerez-Cañas Treaty only gives Costa Rica the limited right to navigate for commercial purposes which does not include tourism or the transportation of cargo and passengers."

He also added that Nicaragua should not feel insecure at all about its position since its strong position is based on the text of the Jerez-Cañas Treaty itself, signed in 1858, and on the Cleveland Award.

"Under no ground", he considered, "we believe that a Court like that of The Hague will minimize the principle of sovereignty which is the fundamental basis upon which the international legal order rests".

The prestigious jurist remembered that under Article VI of the Jerez-Cañas Treaty, Nicaragua has on an exclusive manner the dominium and sovereign jurisdiction as reflected by the Treaty itself; therefore, we have the rights, authority and jurisdiction inherent to the territorial sovereign, which includes the right to exercise control, jurisdiction, defense, protection, security and conservation over the San Juan River.

Claims are groundless

Doctor Herdocia considers that those new and additional rights which Costa Rica intends to obtain over the San Juan River "are alleged rights with no ground in the relevant treaties".

"Even more," he stated, "when the case presented by Costa Rica is referred to a treaty of limits. We cannot forget that the Jerez-Cañas Treaty is a treaty of limits that separates the respective sovereignties and jurisdictions of both countries".

"It is, therefore, very delicate to alter this balance established over a century ago where both parties created a whole system of benefits and counter-benefits, whose balance cannot be altered in any way."

He expressed that Nicaragua has a central point. "The San Juan River is a national river; it is a river where the exclusive sovereignty is recognised, therefore, that holds a lot of weight before the International Court of Justice, specially taking into account that the issue of sovereignty is a fundamental factor upon which international law rests.

"Nicaragua has a solid position. It is a strong position under international law and the instruments. If one reviews the Jerez-Cañas Treaty and the Cleveland Award, under no ground you will find that (the alleged right of the *tiquillos)* applies either to armed navigation or transportation, and even less to the navigation of tourists," he recalled.

He pointed out that the treaty is limited "only and exclusively for navigation with commercial purposes in a small area of the river. Everything beyond that is an affront to Nicaraguan sovereignty; it means breaking the delicate balance stated in the Jerez-Cañas Treaty," he expressed.

"Nicaragua has historically maintained a negative position about the possibility that the Jerez-Cañas Treaty and the Cleveland Award allow any other type of navigation than the navigation with commercial purposes. That has been Nicaragua's historical and traditional position," he added.

"The Jerez-Cañas Treaty and the Cleveland Award closed any possibility forever for Costa Rica to claim new and additional rights to what is already established by the limitations granted in them", he concluded.

Annex 192

"CONFLICT OVER THE SAN JUAN SCARES AWAY TOURISTS" (EXTRACTS) IN *LA NACIÓN*, SAN JOSÉ, 8 NOVEMBER 2005

TRANSLATION

CONFLICT OVER THE SAN JUAN SCARES AWAY TOURISTS (Extracts)

LA NACIÓN, San José, Tuesday 8 November, 2005

- **Guards deny passage to 2 electricians that were traveling to repair a Costa Rican hotel**
- **For the past three weeks there are fewer tours to the Tortuguero Canals.**

The transit of tourists towards the Tortuguero Canals in Limon, has been notoriously reduced in the past few days, since many oppose paying the $34 demanded by Nicaragua for navigating on the San Juan River.

As a matter of fact, a Nicaraguan immigration official at the post facing the mouth of the Sarapiquí River, impeded two Costa Rican electricians from traveling, claiming that they were not carrying a consular visa or a passport.

This happened last Friday at 2pm when the Costa Ricans – whose identities were not mentioned – were attempting to reach San Juan del Norte, Nicaragua, in order to repair three of the four electrical plants from the Indio Maiz Hotel, owned by Costa Rican Alfredo Lopez.

Some businessmen stated that this requirement is affecting the trips to Tortugero through the Puerto Viejo, Sarapiqui and the Delta San Juan route. The trips had diminished severely in the past three weeks, they affirmed.

The reason is that national tourists are not willing to pay the $25 for the consular visa or the $9 additional that they are charged for entering and exiting the neighboring country to the North.

"This is the clearest reflection of how the negative effects are starting to be felt regarding the requirements that we ticos must comply in order to be allowed to transit", stated Jorge Rodriguez a boatman.

Pablo Hernandez, another boatman, remembered that Sarapiquí and Tortuguero's economies depended heavily on tourism and that the moving away of visitors would bring economic problems.

Hard. Businessman Alfredo Lopez, whose company owns the Indio Maiz Hotel, confirmed the incident with the technicians who, he clarified, have been traveling along the San Juan for the past four years and that previously, the Nicaraguan posts had just required their identity documents (cédulas).

(...)

The restrictive measures of the Nicaraguan authorities were imposed after Costa Rica presented a claim at the International Court of Justice at The Hague in Holland against Nicaragua over the navigational rights on the San Juan River.

In addition to the possibility of placing a tariff on Costa Rican products, a visa fee was imposed as a manner of controlling those who navigate on the river.

DISPUTE CONCERNING NAVIGATIONAL AND RELATED RIGHTS

(COSTA RICA *v.* NICARAGUA)

MEMORIAL OF COSTA RICA

VOLUME 6

(Annexes 193 to 245)

29 August 2006

Annex 193

FUNDAMENTAL LAW OF THE STATE OF COSTA RICA, 25 JANUARY 1825, ARTICLE 15

SOURCE: COLECCIÓN DE CONSTITUCIONES DE COSTA RICA:
DEL PACTO DE CONCORDIA A LA CONSTITUCIÓN POLÍTICA DE 1949
(SAN JOSÉ: IMPRENTA NACIONAL, 2000), PP. 80-81

Fundamental Law of the State of Costa Rica, 25 January 1825

"Article 15

The State's territory will extend, for now, from West to East, from the Salto River, which divides it from that of Nicaragua, up to the Chiriquí River, which is the border of the Republic of Colombia, and from North to South, from one sea to the other, being its limits on the north the mouth of the San Juan River and the shield of Veraguas, and in the south the mouth of the Alvarado River and that of the Chiriquí."

Colección de Constituciones de Costa Rica

Del Pacto de Concordia
a la Constitución Política de 1949

2000
San José, Costa Rica

sus armas sin mas regla en todo que la justicia, sin mas limites que los derechos de sus semejantes, y sin mas miramiento que las Leyes.

ART. 3°—Su seguridad individual es garantida por el Estado que la pone á cubierto de todo atentado con Leyes represivas.

ART. 4°—Sus propiedades son inviolables; pero el Estado puede exigir el Sacrificio de alguna por razon de interés publico legalmente comprovado indegnisandola previamente.

ART. 5°—Todo Ciudadano Costa-ricense es admitido á los destinos publicos sin mas diferencia que la de sus virtudes y talentos.

ART. 6°—Ygualmente tiene derecho de concurrir á la formacion, execucion y aplicacion de la Ley por medio de sus mandatarios.

ART. 7°—La Ley debe ser igual para todos y no puede prohivir, sinó lo que es dañoso á la Sociedad, ni mandar sinó lo que la sea util y justo.

ART. 8°—Toda Ley que viole los sagrados derechos del hombre y Ciudadano, declarados en los artículos precedentes, es injusta y no es Ley.

ART. 9°—La resistencia moral á la oprecion es consiguiente á los derechos del hombre, y del Ciudadano, y uno de sus mas interesantes deberes.

ART. 10.—Los Costa-ricenses deben: 1° obedecer religiosamente, y respetar la Ley, y los Magistrados y Agentes del Gobierno quando son los executores de ella: 2° Contribuir con proporcion á sus haberes para los gastos del Estado: 3° Servir y defender á la Patria todas las veces que sea llamado por la Ley aun con Sacrificio de su vida, é intereces.

CAPITULO 2°

Del Estado

ART. 11.—El Estado de Costa-rica se compone de todos sus habitantes.

ART. 12.—El és y será para siempre libre é independiente de España, Mexico; y qualesquiera otra potencia ó Gobierno extrangero, y no será jamas el Patrimonio de ninguna familia, ni persona.

ART. 13.—Es y será uno de los que forman la Federación del Centro de America.

ART. 14.—La Soberania del Estado reside esencialmente en él, en todo aquello que mire á su Gobierno, y administracion interior.

ART. 15.—El territorio del Estado. se extiende por ahora de Oeste á Este desde el Rio del Salto que lo divide del de Nicaragua hasta el Rio de Chiriqui termino de la República de Colombia, y Norte Sur de uno á otro mar, siendo sus limites en el del Norte la boca del Rio de San Juan y el escudo de Veraguas, y en el del Sur la desembocadura del Rio de Alvarado y la del de Chiriqui.

ART. 16.—El Territorio del Estado se dividirá en Departamentos: cada Departamento en Partidos y los Partidos en Pueblos: una Ley particular arreglará esta divicion.

ART. 17.—El Estado se denominará,

ESTADO LIBRE DE COSTA-RICA

CAPITULO 3°

De los Costa-ricenses

ART. 18.—Costa-ricenses son todos los habitantes en el Estado naturales de él, ó naturalisados en él.

ART. 19.—Son Ciudadanos Costa-ricenses todos los habitantes del Estado, naturales de él ó naturalisados en él, como tengan diez y ocho años cumplidos y oficio ó modo de vivir conocido.

ART. 20.—El derecho de Ciudadano se pierde: primero; por haver reresidido fuera del territorio de la Federacion siete años consecutivos sin licencia del Gobierno: segundo, por aceptacion de pencion, distintivos, ó títulos hereditarios de algun Gobierno extranjero: tercero, por sentencia en que se impongan penas mas que correccionales sinó si obtuviese reabilitacion.

ART. 21.—El mismo derecho, se suspende: 1° por incapacidad fisica ó moral, calificada judicialmente: 2° por ser deudor quebrado fraudulento, ó deudor requerido de pago en las rentas publicas; siendo en uno y otro caso declarado: 3° por hallarse procesado criminalmente: 4° por el Estado de sirviente domestico serca de la persona.

ART. 22.—La mayor edad principia cumplidos los veinte y tres años.

CAPITULO 4°

Del Gobierno y religion del Estado

ART. 23.—El Gobierno del Estado es y será popular representativo, y su objeto es la felicidad y prosperidad del mismo Estado, consistentes en las de los individuos que lo forman.

Annex 194

DECREE OF BASIS AND GUARANTEES OF COSTA RICA, 8 MARCH 1841, ARTICLE 1

SOURCE: DIGESTO CONSTITUCIONAL DE COSTA RICA
(SAN JOSÉ: COLEGIO DE ABOGADOS, 1946), P. 89

TRANSLATION

Decree of Basis and Guarantees of Costa Rica, 8 March 1841

"Article 1:

(…)

2. The State's territory is included between the following limits: on the west, the La Flor River and continuing its line along the shore of the Lake of Nicaragua and the San Juan River, down to the mouth of the latter on the Atlantic Ocean: on the north, the same ocean from the mouth of the San Juan River to the Shield of Veraguas: on the east, from said point up to the Chiriquí River: and on the south, from this river, following the coast of the Pacific Ocean up to that of La Flor"

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Edición del Colegio de Abogados

dirigida por el

Lic. MARCO TULIO ZELEDON

1946

LEY DE BASES Y GARANTIAS

8 de marzo de 1841

DECRETO II

Bases y garantías

'EL JEFE SUPREMO DEL ESTADO DE COSTA RICA.

Con presencia de la acta de 27 de Mayo de 1838, que le confiere omnímoda y exclusivamente la administracion del Estado; y deseando establecer garantias, que alejen las apariencias de un régimen absoluto, y sirvan de base para la legislacion general, mientras que con mejores elementos se puede constituir el Estado de un modo mas perfecto, decreta:

ARTICULO I

Del Estado

1º.—El Estado se compone de todos sus habitantes, naturales, ó naturalizados en él. Es Soberano é independiente, tanto en su administracion interior, como en sus relaciones exteriores. La Soberanía reside esencialmente en todo él: ninguna seccion, grande ó pequeña, puede abrogarse este título, ni las personas que ejercen el Poder Supremo llamarse Soberano.

2. El territorio del Estado se comprende, entre los límites siguientes: por el Oeste, el rio de la Flor, continuando su línea por el litoral del lago de Nicaragua y rio San Juan, hasta el desagüe de éste en el mar Atlántico: por el Norte, el mismo mar, desde la desembocadura del rio de San Juan, hasta el escudo de Veraguas: por el Este, desde dicho punto, hasta el rio de Chiriquí: y por el Sur, desde este rio, siguiendo la costa del mar pacífico hasta el de la Flor.

3. Se divide el territorio en cinco Departamentos, cuyas cabeceras son, Cartago, San José, Heredia, Alajuela y Guanacaste: al primero corresponden las poblaciones que hay desde Matina al rio del Fierro al segundo desde este rio al de Virilla, con inclusion de los pueblos de Térraba y Boruca: al tercero, desde el referido Virilla al rio Segundo: al cuarto, desde aquí al rio Chomes: y al quinto, desde ahí al de la Flor. Se subdividen en pueblos, y éstos en barrios y cuarteles; conservandose sin embargo, los títulos ganados hasta ahora, de Ciudad ó Villa; pero en lo sucesivo, solamente se concederán por grandes servicios hechos al Estado. Cuando el aumento de la poblacion exija otra demarcacion de los departamentos, se hará esta por una base, que no baje de treinta mil habitantes cada uno.

Annex 195

CONSTITUTION OF COSTA RICA, 9 APRIL 1844, ARTICLE 47
SOURCE: DIGESTO CONSTITUCIONAL DE COSTA RICA
(SAN JOSÉ: COLEGIO DE ABOGADOS, 1946), P. 107

TRANSLATION

Constitution of Costa Rica, 9 April 1844

"Article 47.

The State recognizes as the limits of its territory the following: on the West, from the mouth of the "La Flor" River in the Pacific, and continuing the line along the shore of the Lake of Nicaragua and the San Juan River, down to the mouth of the latter on the Atlantic Ocean: on the North, the same ocean from the mouth of the San Juan River to the Shield de Veraguas: on the East, from said point up to the Chiriquí River, and on the South, from mouth of this river up to that of the La Flor; but the border line with the State of Nicaragua will be definitely fixed when Costa Rica be heard at the national representation, or that, in its absence, the affair be subjected to the impartial judgment of one or more States of the Republic."

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abuso de la confianza depositaria, y por el mismo hecho, sus autores se hacer indignos de toda confianza pública, á mas de las penas que respectivamente imponen las leyes.

TITULO II

DEL ESTADO, SU GOBIERNO Y RELIGION

SECCION 1ª

Del Estado

Art. 42. El Estado se compone de todos sus habitantes.

Art. 43. El Estado es libre, soberano é independiente, y no puede ser regido sinó por las autoridades que él mismo elija en la forma y periodos que señala la Constitucion.

Art. 44. Obliga esencialmente al Estado y á sus autoridades conservar las garantias establecidas en favor de cualquier individuo.

Art. 45. El Estado es uno de los que componen la República de Centro América y concurrirá con sus Representantes electos popularmente á formar el nuevo pacto de asociacion general cuando en este respecto estén de acuerdo los demas Estados.

Art. 46. El Estado es un asilo inviolable para todo extrangero que se acoja á él, y se sujete á sus leyes, y no permite el tráfico ó posesion de esclavos en su territorio.

Art. 47. El Estado reconoce por límites de su territorio: al Oeste, desde la desembocadura del rio de "la Flor" en el Pacífico, y continuando la línea por el litoral del Lago de Nicaragua y rio de San Juan al desagüe de ésto en el Atlántico: al Norte, el mismo mar desde la boca de San Juan, hasta el Escudo de Veraguas: al Este, desde este punto al Rio Chiriquí, y al Sur desde la desembocadura de este rio á la del de la Flor; mas la línea fronteriza por la parte del Estado de Nicaragua, será fijada definitivamente cuando Costa Rica sea oido en la representacion nacional, ó que por defecto de esta, el negocio se someta al juicio imparcial de uno ó mas Estados de la República.

Art. 48. El Estado se denomina ESTADO LIBRE DE COSTA RICA.

SECCION 2ª

Del Gobierno

Art. 49. El Gobierno del Estado libre de Costa Rica, es y será siempre popular representativo, y su objeto la felicidad y prosperidad del mismo Estado

Annex 196

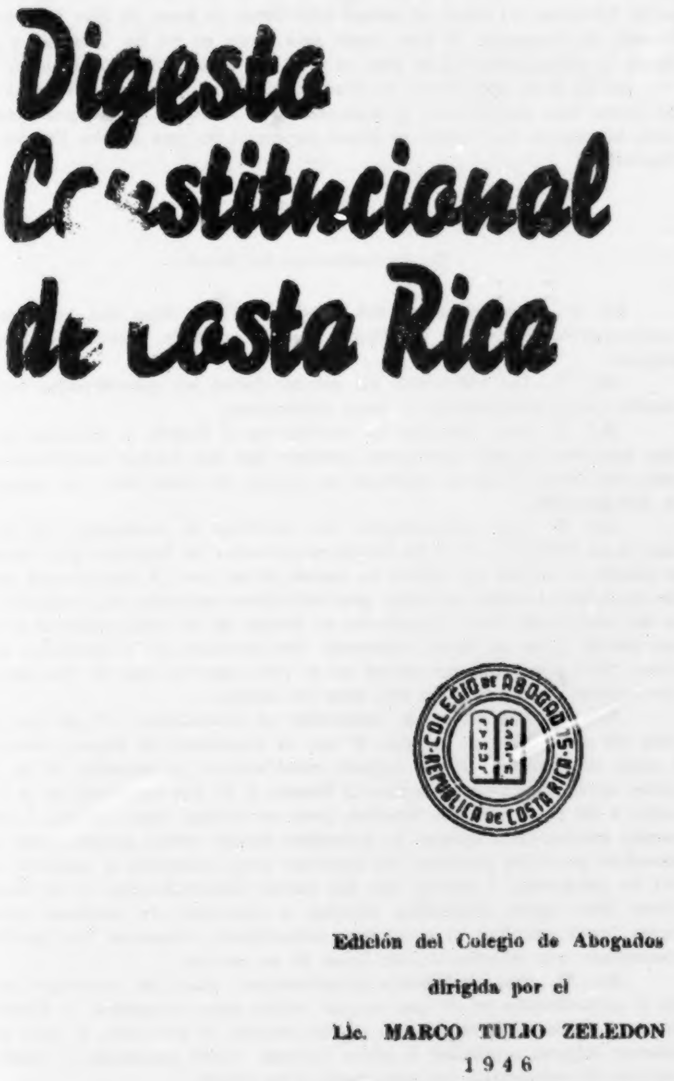
CONSTITUTION OF COSTA RICA, 10 FEBRUARY 1847, ARTICLE 25
SOURCE: DIGESTO CONSTITUCIONAL DE COSTA RICA
(SAN JOSÉ: COLEGIO DE ABOGADOS, 1946), P. 130

TRANSLATION

Constitution of Costa Rica, 10 February 1847

"Article 25.

The limits of the State's territory are: on the West, from the mouth of the "La Flor" River in the Pacific, and continuing the line along the shore of the Lake of Nicaragua and the San Juan River, down to the mouth of the latter on the Atlantic Ocean: on the North, the same ocean from the mouth of the San Juan River to the Shield de Veraguas: on the East, from said point up to the Chiriquí River; and on the South, from mouth of this river up to that of the La Flor; but the border line with the State of Nicaragua will be definitely fixed when Costa Rica be heard at the National representation, or that, in its absence, the affair be subjected to the impartial judgment of one or more States of the Republic."



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Art. 25. Los límites del territorio del Estado son: por el Oeste desde la desembocadura del rio de la Flor en el Pacífico, y continuando la línea por el litoral del Lago de Nicaragua y rio de San Juan al desagüe de éste en el Atlántico: al *Norte*, el mismo mar desde la boca de San Juan hasta el Escudo de Veraguas: al *Este* desde este punto al rio de Chiriquí: y al Sur desde la desembocadura de este rio á la del de la Flor; mas la línea fronteriza por la parte del Estado de Nicaragua, será fijada definitivamente cuando Costa Rica sea oido en la representacion Nacional, ó que por defecto de esta, el negocio se someta al juicio imparcial de uno ó mas Estados de la República.

SECCION II

De los habitantes del Estado

Art. 26. Los habitantes del Estado de Costa Rica son todos los que, comprendidos dentro de los límites de su territorio, forman la Soberanía popular.

Art. 27. Los habitantes del estado, deben ser considerados como naturales, como naturalizados y como ciudadanos.

Art. 28. Son naturales los nacidos en el Estado, y los hijos de estos que nacieren en pais extrangero, siempre que sus padres estuvieren al servicio del Estado ó que su ausencia no exceda de cinco años con conocimiento del Ejecutivo.

Art. 29. Son naturalizados: los naturales de cualquiera de los Estados de la Nacion C. A. y de las otras secciones de América que casaren en el Estado, ó tengan un capital en bienes raices que no baje de mil pesos; y los naturales de otras naciones que hallandose radicados en cualquiera punto del continente Centro-Americano al tiempo de la independencia la hubiesen jurado y no se hayan ausentado del territorio de la República mas de cinco años, poseyendo un capital en el pais, que no baje de dos mil pesos, con calidad de ser casados con hijas del Estado.

Art. 30. Las cartas de naturaleza se concederán: 1º por una invencion útil establecida en el pais: 2º por la enseñanza de alguna ciencia, arte ú oficio no conocido: 3º por mejorar notablemente la industria: 4º por haber hecho servicios muy reelevantes al Estado; y 5º por vecindad en él de diez años, ó de cinco con sus familias; pero en ningun caso, el hijo ó hijos de nacion extrangera á quienes se concedan dichas cartas, podrán gozar de los derechos que ellas producen sin haberlas antes solicitado y obtenido en virtud de pertenecer á paises, con los cuales Centro-América ó el Estado de Costa Rica tienen celebrados tratados ó convenios de recíproco interés y cuyas leyes permitan al extrangero naturalizado, renunciar los dercchos de ciudadanía que le acuerden las leyes de su nacion.

Art. 31. Son ciudadanos costarricenses, todos los naturales del Estado ó naturalizados en él que tengan veinte años cumplidos, ó dieziocho si fuesen casados ó profesores de alguna ciencia, y que unos y otros poséan, ademas, alguna propiedad ú oficio honesto, cuyas ganancias y frutos sean capaces de mantenerle con proporcion á su estado.

Art. 32. De la fecha en que se publíque esta Constitucion hasta el

Annex 197

COSTA RICA, DECREE NO. XVII OF 10 MAY 1847, ARTICLES 1-3
SOURCE: COLECCIÓN DE LAS LEYES DECRETOS Y ORDENES
EXPEDIDOS POR LOS SUPREMOS PODERES
LEGISLATIVO Y EJECUTIVO DE COSTA RICA
EN LOS AÑOS DE 1847 Y 1848. TOMO X
(SAN JOSÉ: IMPRENTA DE LA PAZ, 1863), PP. 90-91

TRANSLATION

Costa Rica, Decree No. XVII of 10 May 1847

"Establishes Military Guards in "Sarapiquí" and the La "Flor" River

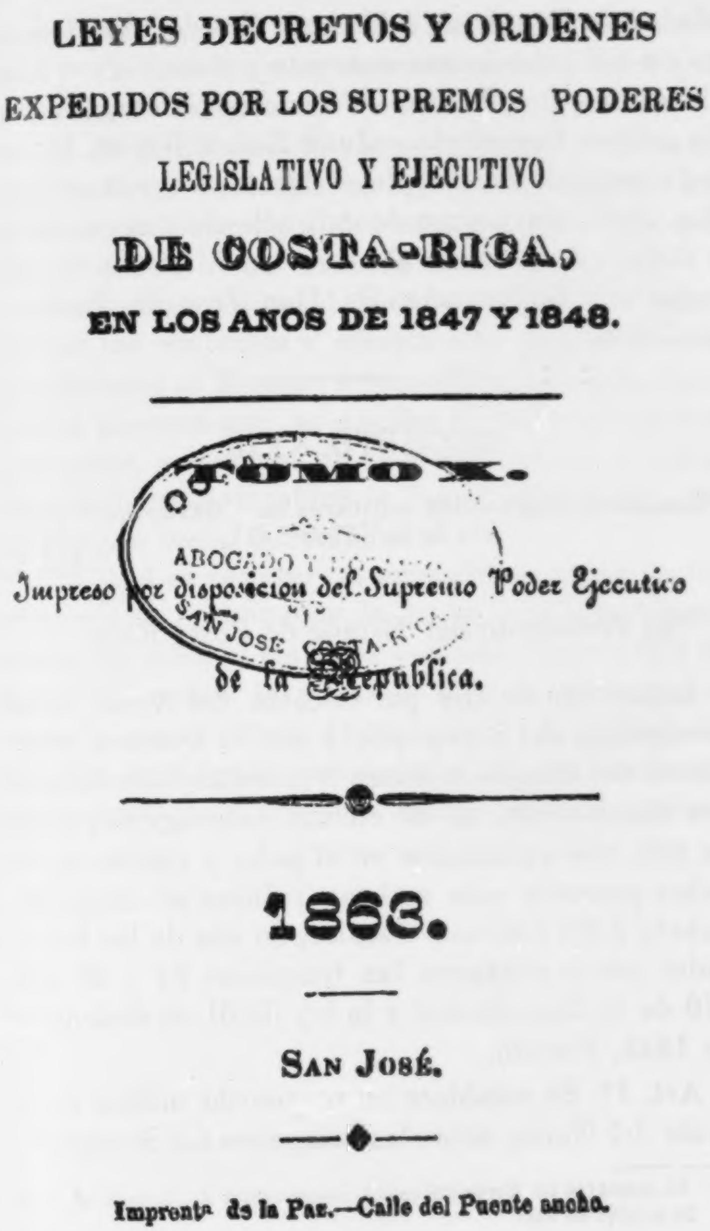
(...)

Article 1. A military Guard in the North coast is established, on the margin of the Sarapiquí, and another one on the margin of the La Flor, on the western region of the State, and they will located on the points that the Government decides.

Article 2. Each one of these Guards will be integrated by a Commander subject to the orders of the General Intendant, and of a number of troops which according to the circumstances is decided.

Article 3. The following will be responsibilities of these Guards: apprehend the articles and effects that are illegally introduced in the State, and to impede the exit of any person that does not bear its passport, and after six months of the issue of this Decree, also the entrance of those who do not bear said document."

(...)



LEYES DECRETOS Y ORDENES

EXPEDIDOS POR LOS SUPREMOS PODERES
LEGISLATIVO Y EJECUTIVO
DE COSTA-RICA,
EN LOS AÑOS DE 1847 Y 1848.

TOMO X.

ABOGADO Y [illegible]
SAN JOSE COSTA-RICA

Impreso por disposicion del Supremo Poder Ejecutivo
de la República.

1863.

SAN JOSÉ.

◆

Imprenta de la Paz.—Calle del Puente ancho.

ciudad de San José, á los once dias del mes de mayo de mil ochocientos cuarenta y siete.—Jose Maria Alfaro, Presidente.—Telésforo Peralta, Diputado primer Secretario.—Juan Rafael Reyes, Diputado segundo Secretario.—Por tanto: EJECUTESE. San José, mayo once de mil ochocientos cuarenta y siete.—José Maria Castro.—Al Ministro de relaciones y Gobernacion Sr. Don Joaquin Bernardo Calvo."

DECRETO XVII.

Establece resguardos militares en "Sarapiqui" y el rio de la "Flor" [1]

Nº 1.

"El Presidente del Estado de Costa Rica.

Informado de que por la costa del Norte en la navegacion del Sarapiquí, y por la frontera occidental del Estado se hacen frecuentes introducciones clandestinas, así de efectos extrangeros, como de artìculos estancados en el pais; y siendo de su deber prevenir este mal tan ruinoso al comercio, cuanto á los intereses fiscales; en uso de las facultades que le confieren las fracciones 22 y 26 art. 110 de la Constitucion y la ley de 31 de diciembre de 1845, decreta.

Art. 1º Se establece un resguardo militar en la costa del Norte, sobre las márgenes del Sarapiquí,

---

(1) El resguardo de Sarapiquí cesó á consecuencia del decreto nº 14 de 20 de julio de 1860

y otro sobre las del rio de la Flor, por la parte occidental del Estado, y se situarán en los puntos que el Gobierno designe.

Art. 2. Cada uno de estos resguardos se compondrà de un Comandante sujeto à las órdenes del Intendente general, y del nùmero de tropa que con presencia de las circunstancias, se disponga.

Art. 3. Son objetos de dichos resguardos: aprehender los artículos y efectos que ilegalmente se introduzcan al Estado, é impedir la salida de cualquiera persona que no exhiba su correspondiente pasaporte, y despues de seis meses de la emision de este decreto, tambien la internacion de las que no traigan dicho documento.

Art. 4. Los resguardos referidos tendrán en los efectos que aprehendan la parte que por recompensa les señalan las leyes.—Dado en la ciudad de San José á diez de mayo de mil ochocientos cuarenta y siete.—José Maria Castro.—Al Jefe de Seccion encargado accidentalmente del despacho de hacienda y guerra Sr. Juan de Dios Zespedes."

Annex 198

CONSTITUTION OF COSTA RICA, 30 NOVEMBER 1848, ARTICLE 7
SOURCE: DIGESTO CONSTITUCIONAL DE COSTA RICA
(SAN JOSÉ: COLEGIO DE ABOGADOS, 1946), P. 154

TRANSLATION

Constitution of Costa Rica, 30 November 1848

"Article 7.

The limits of the Republic's territory are those of the *uti posidetis* of 1826."

Digesto
Constitucional
de Costa Rica

Edición del Colegio de Abogados
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Lic. MARCO TULIO ZELEDON
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1º Todos los hombres nacidos en el territorio de Costa Rica:

2º Los nacidos fuera del territorio de Costa Rica, de padres costaricenses, ausentes en servicio de la República, ó en asuntos propios, con tal que no se hubiesen domiciliado en pais extrangero.

Art. 5. Son costaricenses por naturalizacion:

1º Los nacidos en cualquier otro pais que hubiesen estado domiciliados en Costa Rica al tiempo de proclamarse su independencia en 1821, ó de erigirse en República en 1848:

2º Los que han adquirido este derecho en virtud de algun tratado público:

3º Las mugeres no costaricenses desde que se hayan casado o casaren con costaricense:

4º Los que hayan obtenido y obtengan carta de naturaleza conforme á la ley:

5º Los naturales de cualquier pais del mundo que manifiesten la voluntad de serlo ante la autoridad que designe la ley.

SECCION 3ª

De los deberes de los costaricenses

Art. 6. Son deberes de los costaricenses:

1º Vivir sometidos á la Constitucion y á las leyes; y obedecer y respetar las legítimas autoridades:

2º Contribuir para los gastos públicos:

3º Servir y defender la pátria:

4º Ser hospitalarios.

SECCION 4ª

Del territorio de Costa Rica

Art. 7. Los límites del territorio de la República son los del *uti posidetis* de 1826.

Art. 8. El territorio de la República de Costa Rica se dividirá en Provincias. Cada Provincia se compondrá de uno ó más cantones, y cada canton se dividirá en distritos parroquiales. La ley arreglará la division territorial y determinará las autoridades que deban ser nombradas.

TITULO II

DE LOS CIUDADANOS

Art. 9. Son ciudadanos los costaricenses varones que reunan las cualidades siguientes:

1º Haber cumplido la edad de veinidun años:

2º Ser dueño de bienes raices en Costa Rica que alcancen al valor libre de trescientos pesos, ó tener una renta anual de ciento cincuenta pesos y pagar las contribuciones establecidas por la ley:

3º Saber leer y escribir; pero esta cualidad solo se exigirá desde 1853 en adelante.

Annex 199

DECREE NO. LXVII OF THE GOVERNMENT OF COSTA RICA,
APPROVING THE CRAMPTON-WEBSTER AGREEMENT, 22 JUNE 1852
SOURCE: COLECCIÓN DE LAS LEYES DECRETOS Y ORDENES
EXPEDIDOS POR LOS SUPREMOS PODERES LEGISLATIVO Y EJECUTIVO
DE COSTA RICA EN LOS AÑOS DE 1851, 1852 Y 1853. TOMO XII
(SAN JOSÉ: IMPRENTA DE LA PAZ, 1868), PP. 147-148

TRANSLATION

Decree No. LXVII of the Government of Costa Rica, approving the Crampton-Webster Agreement, 22 June 1852

"Approves the bases for an arrangement between Costa Rica and Nicaragua over territorial limits, agreed upon in Washington, D.C. by representatives of Great Britain and the United States of America

No 10

Juan Rafael Mora, President of the Republic of Costa Rica.- Whereas the most Excellent Constitutional Congress has decreed the following.

The most Excellent Constitutional Congress of the Republic of Costa Rica, considering the bases agreed upon in Washington by the Representatives of the two great Powers of Great Britain and the United States of the North, over the issue of the territorial limits that exists between the State of Nicaragua and the Republic of Costa Rica; and considering its approval given by the Supreme Executive Power, decrees:

Single article. The assent, adhesion and subscription that the Supreme Government of the Republic has accorded through act of the 16th of the current month to the bases agreed upon in Washington the past 30th of April, by Representatives of the Governments of Great Britain and the United States, for a settlement between the Republic of Costa Rica and the State of Nicaragua over the issue of territorial limits pending between both countries, is hereby approved."

(...)

DE LAS

LEYES DECRETOS Y ORDENES
EXPEDIDOS POR LOS SUPREMOS PODERES
LEGISLATIVO Y EJECUTIVO
DE COSTA-RICA,
EN LOS AÑOS DE 1851, 1852 Y 1853

TOMO XII.

Impreso por disposicion del Supremo Poder Ejecutivo
de la Republica.

1868.

SAN JOSÉ.

Imprenta de la Paz.—Calle de la Laguna.

tario,—José Maria Garcia, Secretario.—Por tanto: EJECUTESE. Palacio Nacional, San José junio dieziocho de mil ochocientos cincuenta y dos.—Juan Rafael Mora.—El Ministro de Estado en el Despacho de Hacienda, Manuel José Carazo."

DECRETO LXVII.

Aprueba las bases de un acomodamiento entre Costa Rica y Nicaragua sobre limites territoriales, convenidas en Washington por Representantes de la Gran Bretaña y EE. UU. de América. (1.)

N· 10.

"Juan Rafael Mora Presidente de la República de Costa Rica.—Por cuanto el Excelentísimo Congreso Constitucional ha decretado lo siguiente.

El Excelentísimo Congreso Constitucional de la República de Costa Rica, con presencia de las bases convenidas en Washington por los Encargados de las dos grandes Potencias de la Gran Bretaña y Estados Unidos del Norte, sobre la cuestion de límites territoriales que existe entre el Estado de Nicaragua y la Repúblíca de Costa Rica; y en vista de la aprobacion que les ha acordado el Supremo Poder Ejecutivo, decreta:

Art. único. Se aprueba el asentimiento, adhesion y suscripcion que el Supremo Gobierno de la Repú-

---

(1.) Ver la ley de 10 de mayo de 1858 que comprende, aprobandolo, el tratado de limites celebrado el 15 de abril del mismo año.

blica ha acordado en providencia de 16 del corriente á las bases convenidas en Washington en 30 de abril último, por Representantes de los Gobiernos de la Gran Bretaña y de los Estados Unidos para un acomodamiento entre la República de Costa Rica y el Estado de Nicaragua sobre la cuestion de límites territoriales pendientes entre ambos paises.—Al Poder Ejecutivo.—Dado en el Palacio de los Supremos Poderes en San José, á los veintidos dias del mes de junio de mil ochocientos cincuenta y dos.—Miguel Mora, Vice-Presidente.—Bruno Carranza, Secretario. —José Maria Garcia, Secretario.—Por tanto: EJECUTESE. Palacio Nacional, San José junio veintitres de mil ochocientos cincuenta y dos.—Juan Rafael Mora.—El Ministro de Estado en el Despacho de Goberracion, Joaquin Bernardo Calvo."

Annex 200

DECREE NO. XXXVII DECLARING THE PORT OF SAN JUAN BLOCKED AND PROHIBITING NAVIGATION ON THE SAN JUAN RIVER, 1 NOVEMBER 1856

SOURCE: COLECCIÓN DE LAS LEYES DECRETOS Y ORDENES
EXPEDIDOS POR LOS SUPREMOS PODERES LEGISLATIVO
Y EJECUTIVO DE COSTA RICA
EN LOS AÑOS DE 1856 Y 1857. TOMO XIV
(SAN JOSÉ: IMPRENTA DE LA PAZ, 1871), PP. 74-75

TRANSLATION

Decree No XXXVII declaring the Port of San Juan blocked and prohibiting navigation on the San Juan River, 1 November 1856

No 9

"Juan Rafael Mora, President of the Republic of Costa Rica.

The campaign against the foreign usurpers having been re-initiated after it was interrupted, I declare:

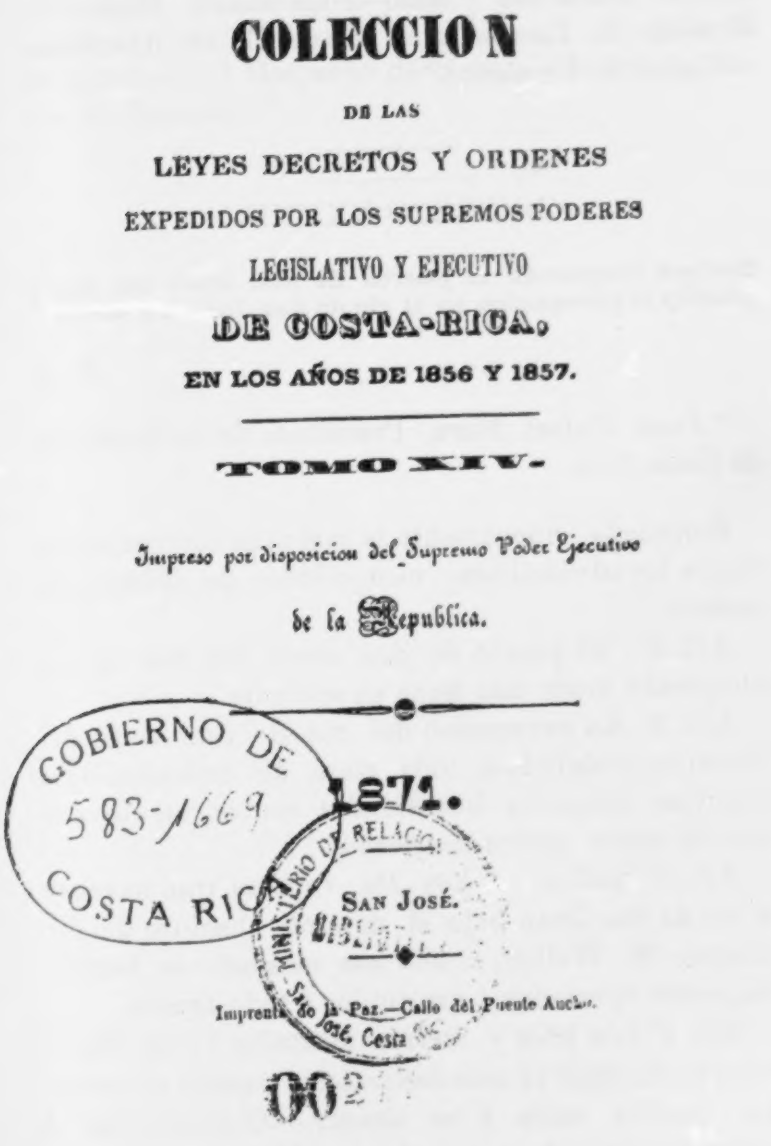
Article 1. The port of San Juan del Sur is hereby blocked as of from this moment.

Article 2. The navigation on the San Juan del Norte River is prohibited to all types of vessels while the hostilities against the invaders of the Central American territory persist.

Article 3. Being the steamers that navigate the San Juan River currently under the absolute control of the filibuster W. Walker, and therefore his most valuable assets, they will be apprehended or destroyed by all means.

Article 4. The chiefs and military forces of the Republic will implement this decree using all the means within their reach."

(...)



COLECCION

DE LAS

LEYES DECRETOS Y ORDENES
EXPEDIDOS POR LOS SUPREMOS PODERES
LEGISLATIVO Y EJECUTIVO
DE COSTA-RICA,
EN LOS AÑOS DE 1856 Y 1857.

TOMO XIV.

Impreso por disposicion del Supremo Poder Ejecutivo
de la Republica.

GOBIERNO DE
583-1669
COSTA RICA

1871.

SAN JOSÉ.

MINISTERIO DE RELACIONES
BIBLIOTECA
San José, Costa Rica

Imprenta de la Paz.—Calle del Puente Ancho.

002

á los treinta dias del mes de octubre de mil ochocientos cincuenta y seis.—Juan Rafael Mora.—El Ministro de Estado en el Despacho de Hacienda. —Rafael G. Escalante."

DECRETO XXXVII.

Declara bloqueado el puerto de San Juan del Sur y prohibe la navegacion en el rio de San Juan del Norte

N. 9.

" Juan Rafael Mora, Presidente de la República de Costa-Rica.

Empezada nuevamente la campaña interrumpida contra los advenedizos usurpadores de Nicaragua, declaro:

Art. 1° El puerto de San Juan del Sur queda bloqueado desde esta fecha en adelante.

Art. 2° La navegacion del rio de San Juan del Norte es prohibida á toda clase de embarcaciones mientras duren las hostilidades contra los invasores del suelo centro-americano.

Art. 3° Hallándose hoy los vapores que navegan el rio de San Juan bajo el dominio absoluto del filibustero W. Walker, siendo sus mas activos auxiliares, serán apresados ó destruidos á todo trance.

Art. 4° Los jefes y fuerzas militares de la República harán efectiva esta declaratoria usando de cuantos medios estén á su alcance.—Comuníquese á quien corresponde y á todos los Ministros y agen-

tes extranjeros y nacionales.—Dado en San José, en el Palacio Nacional, el primer dia del mes de noviembre de 1856.—Juan Rafael Mora.—El Ministro de Estado en el Despacho de Guerra y Marina.—Rafael G. Escalante."

Annex 201

REGULATIONS OF THE TREASURY, DECREE NO. IV OF 23 MARCH 1858, ARTICLES 161-163

SOURCE : COLECCIÓN DE LAS LEYES DECRETOS Y ORDENES
EXPEDIDOS POR LOS SUPREMOS PODERES LEGISLATIVO
Y EJECUTIVO DE COSTA RICA EN EL AÑO DE 1858. TOMO XIV
(SAN JOSÉ : IMPRENTA DE LA PAZ, 1871), PP. 58-60

TRANSLATION

Regulations of the Treasury, Decree No. IV of 23 March 1858

(...)

"Article 161. Besides the fixed revenue guards that are established by these Regulations or that are established by the Customs Ordinances, there will be an ambulatory guard, whose most immediate chief will be the Inspector of the Subordinate Treasury. This Guard will consist of three rounds, and each round of one corporal and three guards: the corporal is the chief of the round, and the guards will be subject to his orders and respect in all matters of the service.

Article 162. There will always be an ambulatory round, watching over to prevent the commission of any fraud or contraband from the Rio Grande to the vicinity of Turrialba: another round will carry out the same vigilance in the territory comprehended between said Rio Grande and the one of Chomes; and another from the latter to the confines of Nicaragua. The Inspector of Treasury will ensure that each of these rounds carries out the service alternatively in each of the said territories four months a year."

Article 163. The following will be the duties of each and everyone of the Ambulatory Rounds: 1st to obey and carry out the orders that they receive from the Revenue Judge, of the Inspector of Treasury, of the Administrators of Public Funds, and from the Governors of the Provinces in regards to the pursuit of frauds and contrabands, and the capture of smugglers or defrauders: 2nd to continuously make the round in the territory in which they are to carry out their service, always watching that transgressions against the Fiscal interests are not committed, and therefore pursuing and seizing the clandestine factories and sales of gunpowder and liquors: the clandestine plantations and sales of tobacco, and the introductions and extractions of articles that are attempted to be carried out by contraband: 3rd to frequently visit the spirit shops, to weight the liquors, to check the measures and to report to the respective Administrator and to the Treasury Inspector the faults they observe; and 4th to equally visit the sales of foreign liquors and the beer distilleries to verify that they are being made with the proper authorization."

(...)

ella, de que darán al comprador la correspondiente certificacion si la solicita. En todo lo demas así el Inspector de Tesorerías subalternas, como los Jueces de 1ª Instancia expresados se arreglarán á las leyes vigentes.

Art. 159. Las disposiciones de este capítulo en nada alteran las comprendidas en el capítulo 8º, seccion 1ª de la Ordenanza de Aduana de 31 de agosto de 1854. Los Administradores seguirán conociendo verbalmente en las causas sobre contrabando de efectos y reclamaciones que se hagan sobre calificacion de mercaderias, señalamiento de derehos y fijacion de adeudos; siempre que el valor del contrabando ó interes del reclamo no exceda de doscientos pesos.

Art. 160. Si la contraparte del Fiscal ó del Administrador que haga de tal fuese condenada, pagará á éstos doce reales de derechos por su representacion en el juicio verbal, los cuales ha de incluir el Inspector ó Juez en la tasacion de costas que se hará con absoluto arreglo al decreto nº 2 de 2 de marzo de 1853.

Capitulo XIX.

De los resguardos.

Art. 161. Ademas de los resguardos fijos que se establezcan por este Reglamento ó que estén establecidos por la Ordenanza de Aduanas, habrá un resguardo volante, cuyo Jefe mas inmediato será el Inspector de Tesorerias subalternas. Este resguardo constará de tres rondas, y cada ronda de un cabo de tres guardas: el cabo es el Jefe de la ronda, y le deben los guardas sumision y respeto en todos los asuntos del servicio.

Art. 162. Habrá siempre una ronda ambulante, vigilando que no se cometa fraude ni contrabando alguno desde el Rio Grande hasta las inmediaciones de Turrialba: otra ronda tendrá la misma vigilancia en el territorio comprendido entre el expresado Rio Grande y el de Chomes; y otra desde este último hasta los confines de Nicaragua. El Inspector de Tesorerias cuidará de que cada una de estas rondas haga el servicio alternativamente en cada uno de los expresados territorios cuatro meses del año.

Art. 163. Son obligaciones de todas y cada una de las rondas ambulantes: 1ª obedecer y cumplir las órdenes que reciban del Juez de Hacienda, del Inspector de Tesorerias, de los Administradores de caudales públicos, y de los Gobernadores de las Provincias, en cuanto á la persecucion de fraudes y contrabandos, y captura de los contrabandistas ó defraudadores: 2ª recorrer continuamente el territorio en que hayan de prestar su servicio, vigilando siempre que no se cometan delitos en perjuicio de los intereses Fiscales, y persiguiendo por tanto y aprehendiendo las fábricas y ventas clandestinas de pólvora y licores: las siembras y ventas clandestinas de tabaco, y las introducciones y estracciones de efectos que intenten hacerse de contrabando: 3ª visitar con frecuencia los estancos de aguardiente, pesar los licoros, revisar las medidas y dar cuenta al Administrador respectivo y al Inspector de Tesorerias, de las faltas que observaren; y 4ª visitar así mismo las ventas de licores extrangeros y las fábricas de cerveza para averiguar si se hacen con la competente autorizacion.

Art. 164. Las rondas ambulantes y los resguardos fijos que tengan aviso privado ó sospechen que en alguna casa se fabrícan ó expenden artículos estancados, procederán al registro de ella, acompañados siempre del Administrador de licores de la Provincia, de algun Alcalde ó de cualquiera otra autoridad del lugar de quien se haya solicitado este servicio; siendo obligacion de esta el requerir al dueño de la casa ó almacen para que permita el registro; mas en caso de negativa y despues de ser requerido el dueño por tres veces en el acto, se procederá al allanamiento, valiéndose de la fuerza si fuere necesario. En cuanto á la destruccion de las siembras clandestinas de tabaco, las rondas ó resguardos se acompañarán tambien de alguna autoridad civil, ó Administrador de rentas, y dos testigos que deben contar las plantas de tabaco y presenciar su destrozo.

Art. 165. En las causas de fraudes y contrabandos, los guardas serán considerados como buenos testigos, siempre que presenten el cuerpo del delito, y éste haya sido aprehendido con las formalidades que se prescriben en el artículo anterior, en cuyo caso serán tambien considerados como testigos idóneos los que fuera de él serian tachables. Para la comprobacion del cuerpo del delito en las causas

Annex 202

NICARAGUAN DECREE OF THE CONSTITUTIONAL ASSEMBLY IN ITS LEGISLATIVE CHARACTER, APPROVING THE TREATY OF LIMITS OF 15 APRIL 1858, 4 JUNE 1858

SOURCE: THE CASE OF THE REPUBLIC OF NICARAGUA
(WASHINGTON: GIBSON BROS., 1887), APPENDIX C, P. 40

Secretary of State.
OCT 27 1887

THE CASE

OF THE

REPUBLIC OF NICARAGUA

SUBMITTED TO HIS EXCELLENCY

HON. GROVER CLEVELAND,
President of the United States,

ARBITRATOR,

UNDER THE TREATY OF GUATEMALA OF DECEMBER 24th, 1886.

WASHINGTON, D. C.
1887.

legislate, has the power to exercise all others which were conferred by the Constitution of 1838 upon both chambers, whether acting jointly or separately, in all cases of emergency.

Decree of the Constitutional Assembly in its Legislative Character, approving the Treaty of June 4, 1858.

The Constitutional Assembly of the Republic of Nicaragua, in exercise of the legislative faculties with which it is invested, decrees—

SOLE ARTICLE—The treaty of limits, celebrated in the city of San José on the 15th of April, of the present year, between the ministers plenipotentiary, General Don Máximo Jerez on the part of this Republic, and General Don José María Cañas on the part of Costa Rica, with the intervention of the minister plenipotentiary of the Government of Salvador, Colonel Don Pedro R. Negrete, is approved.

APPENDIX "D."

Message of the State Department of Nicaragua to the Senate of Nicaragua, giving History of the Boundary Negotiations with Costa Rica.

SECRETARYSHIP OF FOREIGN AFFAIRS OF THE
GOVERNMENT OF NICARAGUA,
MANAGUA, *January 8, 1876.*

To the Honorable SECRETARIES OF THE SENATE:

GENTLEMEN: I have the honor to send to you the correspondence between this Cabinet and that of Costa Rica about the boundary questions and the invalidity of the treaty of the 15th of April, 1858.

You will observe that the Cabinet of Costa Rica refuses to acknowledge the duties that were imposed upon that Government by the treaty of the 30th of July, 1868; not only denies the existence, fully authenticated, of the rights of Nicaragua, but also refuses to accept the only means of solving this difficulty—an impartial arbitration.

Annex 203

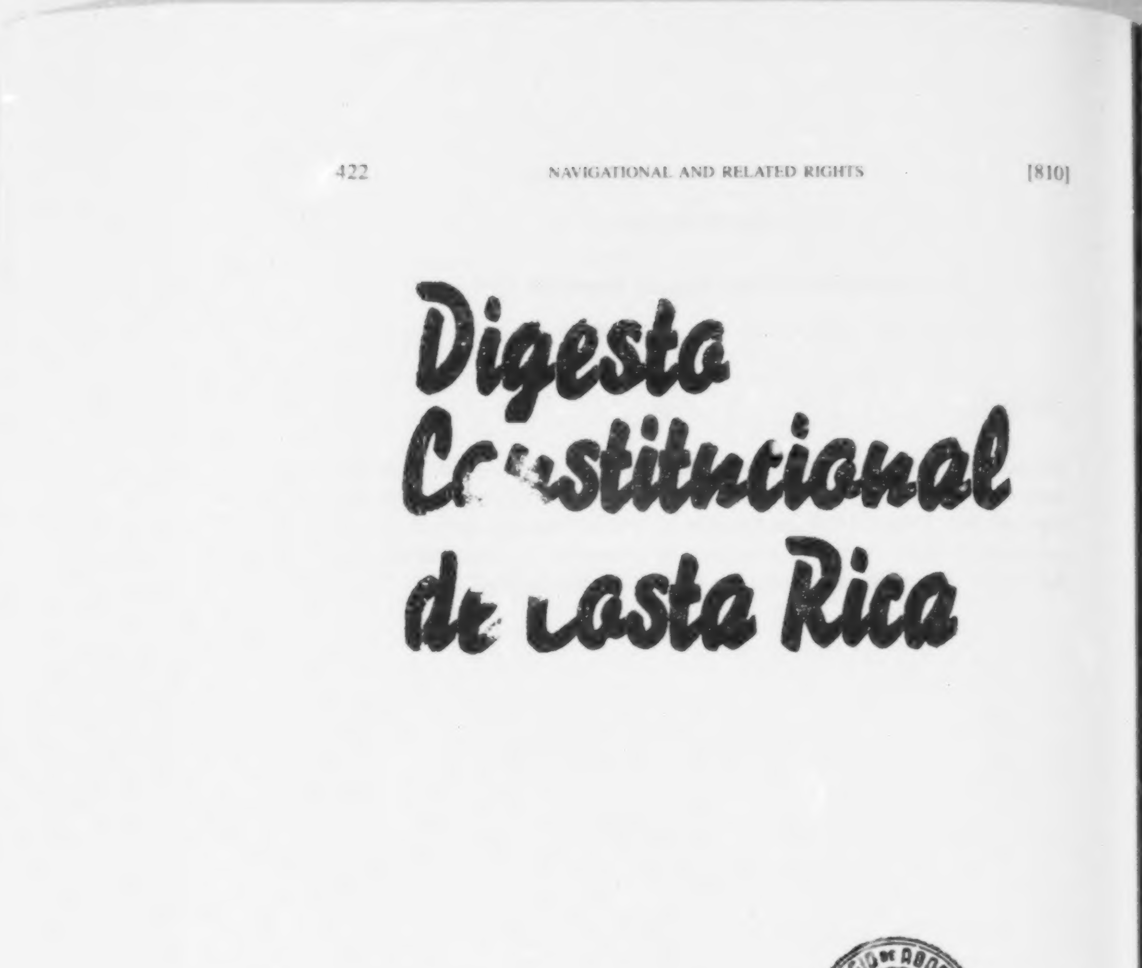
CONSTITUTION OF COSTA RICA, 27 DECEMBER 1859, ARTICLE 4
SOURCE : DIGESTO CONSTITUCIONAL DE COSTA RICA
(SAN JOSÉ : COLEGIO DE ABOGADOS, 1946), P. 169

TRANSLATION

Constitution of Costa Rica, 27 December 1859

"Article 4.

The State's territory extends between the following limits: on the side that limits with Nicaragua, those established by the Treaty subscribed with that Republic on 15 April 1858: on the side of Nueva Granada, those of the *uti possidetis* of 1826, except for what may be determined by later treaties with that Nation; and on the other sides the Atlantic and the Pacific."



Digesto Constitucional de Costa Rica

Edición del Colegio de Abogados
dirigida por el
Lic. MARCO TULIO ZELEDON
1946

CONSTITUCION POLITICA

27 de diciembre de 1859

DECRETO L

"José María Montealegre, Presidente Provisorio de la República de Costa-Rica.—Por cuanto la Asamblea Nacional Constituyente ha decretado y sancionado la siguiente

CONSTITUCION

Nosotros los Representantes del Pueblo de Costa-Rica convocados lejítimamente para establecer la justicia, proveer á la defensa comun, promover el bien jeneral y asegurar los beneficios de la libertad, implorando el auxilio del Soberano Regulador del Universo para alcanzar estos fines, hemos decretado y sancionado la siguiente

CONSTITUCION POLITICA

TITULO PRIMERO

De la República

Art. 1º La asociacion política de todos los Costaricenses constituye una Nacion que se denomina: República de Costa-Rica.

Art. 2º La República es libre é independiente.

Art. 3º La soberanía reside esclusivamente en la Nacion.

Art. 4º El territorio de la República está comprendido entre los límites siguientes: por el lado que linda con Nicaragua los que fija el tratado ajustado con aquella República el 15 de Abril de 1858: por el de la Nueva Granada los del uti possidetis de 1826, salvo lo que se determine por tratados ulteriores con aquella Nacion; y por los demas lados el Atlántico y el Pacífico.

Limits

TITULO SEGUNDO

Del Gobierno

Art. 5º El Gobierno de la República es popular, representativo, al-

Annex 204

COSTA RICA, DECREE NO. X OF 6 FEBRUARY 1878, ARTICLES 1-3, 5
SOURCE : COLECCIÓN DE LAS DISPOSICIONES LEGISLATIVAS
Y ADMINISTRATIVAS EXPEDIDAS EN EL AÑO 1878
(SAN JOSÉ : IMPRENTA NACIONAL), PP. 30-31

TRANSLATION

Decree No. X of 6 February 1878

"Decree No. X establishing a Guard in the mouth of the San Carlos River

(...)

Article 1.- A Guard comprised of a Chief and four guards, to be situated on the left margin of the "San Carlos" River, is hereby established.

Article 2.- The Chief, as well as the guards, will watch with utmost diligence that none of the natural products of the country are exported without having first cancelled the dues established in the current Customs tariff.

Article 3.- It will the responsibility of the Guard's Chief to charge and receive the taxes that originate in the export, and to report this to the Treasury Department, for which he will keep a book to record the amounts, signing each entry together with the payer.

(...)

Article 5.- It will also be the responsibility of the Guard of San Carlos to pursue the contraband of the articles of Fiscal monopoly and to proceed with the utmost diligence in the pursuit of fraud that might be committed against the National Treasury, complying with the regulations on matters of contraband and the instructions he may receive from the Treasury Department."

COLECCION

DE

LAS DISPOSICIONES LEGISLATIVAS Y ADMINISTRATIVAS,

EXPEDIDAS

EN EL AÑO

OCTAVIO BE[illegible]
ABOGADO Y NOTARIO.

1878.

EDICION OFICIAL.

IMPRENTA NACIONAL.— Calle de la Merced.

DECRETO Nº X.

Estableciendo un resguardo en la boca del rio San Cárlos.

Tomas Guardia, *General de Division y Presidente de la República de Costa-Rica*, considerando:

1º—Que la importancia que de dia en dia adquieren los terrenos colocados á las márgenes del rio San Cárlos, por su feracidad y por su inmediacion al mar del Norte, y consiguiente facilidad para el comercio de importacion y exportacion, debe llamar la atencion especial del Gobierno;

2º—Que una proteccion liberal en favor de la agricultura, es indispensable, puesto que ésta constituye la primera y principal fuente de la riqueza pública;

3º—Que por ahora, algunos poseedores de terrenos, y muchos más en lo adelante, desearán utilizar con grandes plantaciones la fertilidad de sus terrenos;

4º—Que aunque el Gobierno con el mejor deseo de satisfacer las justas y convenientes exigencias de los dueños de terrenos, debe cuidar escrupulosamente los intereses fiscales, manteniendo una constante vigilancia para impedir todo fraude en los ramos del monopolio fiscal y en los productos naturales del país, que están sujetos al pago de derechos de exportacion;

5º—Que para poder conciliar unos y otros intereses, hay necesidad de establecer un resguardo que vigile é impida el contrabando sin oponarse á permitir la importacion y exportacion de todos los elementos indispensables al incremento y desarrollo de la agricultura y del comercio;

Decreto:

Art. 1º—Se establece un resguardo compuesto de un Jefe y cuatro guardas, que será situado en la márgen izquierda de la boca del rio "San Cárlos."

Art. 2º—El Jefe, así como los guardas, cuidarán con el mayor celo de que no se exporte ninguno de los frutos naturales del país, sin haber satisfecho previamente los derechos designados en la Tarifa de Aduanas vigente.

Art. 3º—Corresponde al Jefe del Resguardo cobrar y percibir los derechos que cause la exportacion y dar cuenta con su producto á la Secretaría de Hacienda; á cuyo efecto llevará un libro en que se asienten las partidas de entero, firmando cada partida en union del enterante.

Art. 4º—Se impedirá tambien toda importacion sin previa autorizacion del Ministerio de Hacienda; y cuando esta autorizacion se presente, procederá el Jefe á practicar el aforo de todos aquellos artículos gravados con derechos por la misma Tarifa, remitiendo la correspondiente póliza á la Contaduría Mayor.

Art. 5º—Corresponde asimismo al Resguardo de San Cárlos, perseguir el contrabando de los artículos de monopolio fiscal y proceder con la mayor actividad en la persecucion del fraude que pueda cometerse en perjuicio de la Hacienda Nacional, ciñéndose en un todo á las disposiciones vigentes sobre la materia de contrabando y á las instrucciones que reciba de la Secretaría de Hacienda.

Art. 6º—El Ministro de Hacienda queda encargado de dictar las disposiciones conducentes en ejecucion del presente decreto.

Dado en el Palacio Nacional, en San José, á seis de febrero de mil ochocientos setenta y ocho.—

Annex 205

DECREE NO. XXXI CREATES A GUARD AT THE MOUTH OF THE COLORADO RIVER, 16 MARCH 1886

SOURCE: COLECCIÓN DE LAS DISPOSICIONES LEGISLATIVAS
Y ADMINISTRATIVAS EMITIDAS EN EL AÑO 1886, EDICIÓN OFICIAL
(SAN JOSÉ: IMPRENTA NACIONAL, 1887), PP. 152-153

TRANSLATION

Decree N° XXXI

Creates a Guard at the mouth of the Colorado river

Treasury Department

National Palace - San José, 16 March 1886.

With the purpose of establishing the necessary surveillance of contraband in the Atlantic coast of the Republic, His Excellency, the General President

Decrees:

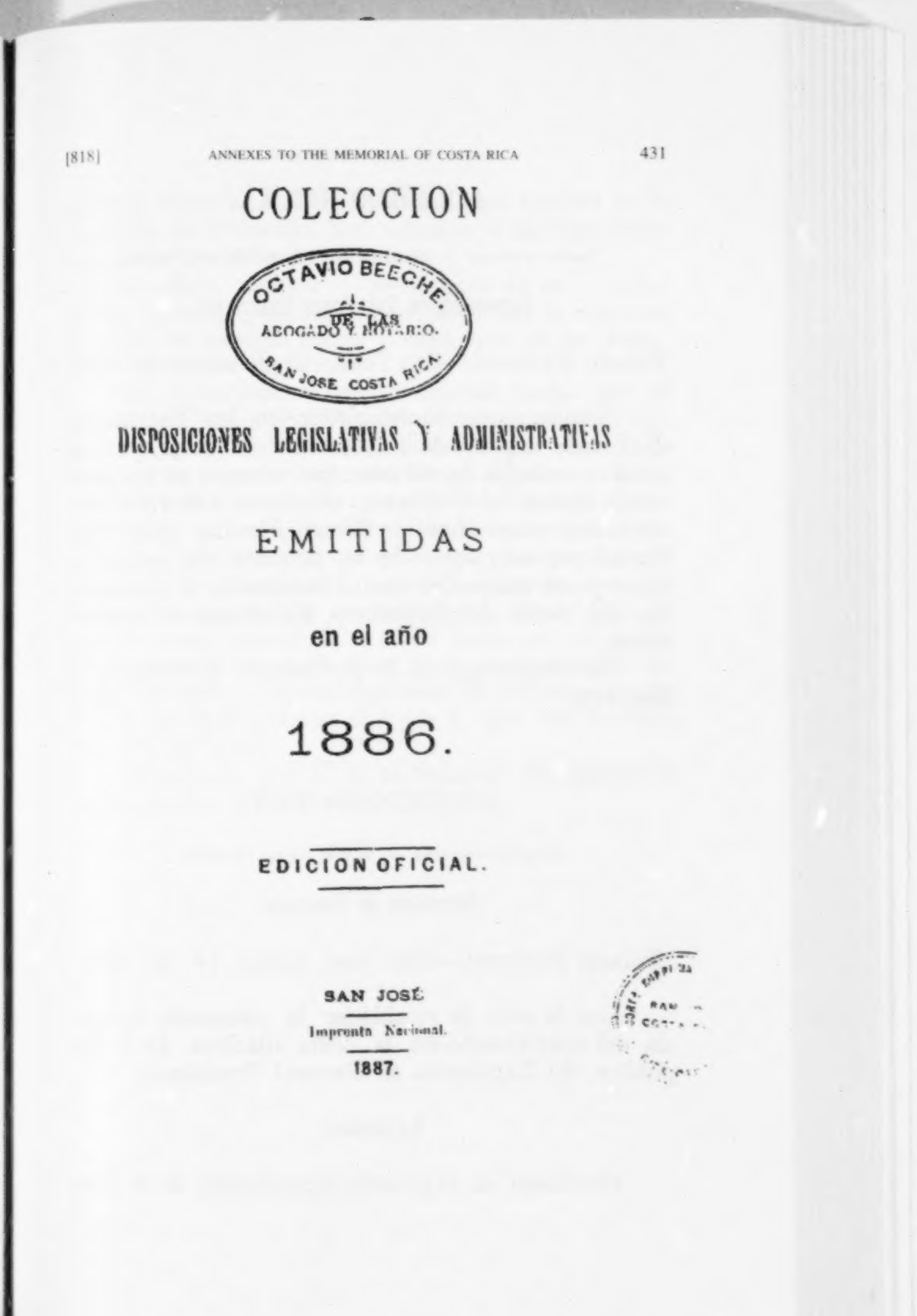
1st - To create a guard, that will depend on the General Treasury Inspection, which will be stationed at the mouth of the Colorado river, subject to the provisions of the corresponding law.

2nd - This guard will consist of one Commander and five guards; the first with a monthly salary of eighty pesos, and each of the others with forty pesos.

3rd - The appointment made by the Inspector General of the Treasury of Mr. Juan Barth y Quesada as Commander of the said Guard, and of Messrs Diego Chaves y Salazar, Higinio Saborío, Ramón García, Manuel Herra y Delgado, and Justo Oviedo y Cháves as guards, is approved.

4th - The budget for installation expenses of the said Guard, in the amount of one hundred and seventeen pesos ($117-00), submitted to this Department by the Treasury Inspector, is equally approved, and the aforementioned employees will receive an advanced payment of half of their salary for the preliminary expenses incurred at the place of destination. - Let it be published.

Signed by H.E., the General President of the Republic. – Fernández



COLECCION

DE LAS

DISPOSICIONES LEGISLATIVAS Y ADMINISTRATIVAS

EMITIDAS

en el año

1886.

EDICION OFICIAL.

OCTAVIO BEECHE.
ABOGADO Y NOTARIO.
SAN JOSE COSTA RICA.

SAN JOSÉ
Imprenta Nacional.
1887.

ACUERDO Nº XXX.

Nombra traductor de idiomas á don Manuel Carazo Peralta.

Secretaría de Relaciones Exteriores.

Palacio Nacional.—San José, 16 de marzo de 1886.

Siendo necesario establecer en las Secretarías de Estado la plaza de Traductor de idiomas, por los muchos trabajos de versión que ocurren en los diferentes ramos del Gobierno, nómbrase con tal carácter al señor don Manuel Carazo Peralta, quien disfrutará por ese cargo, de la dotación de setenta y cinco pesos mensuales que se imputarán á eventuales del ramo de Relaciones Exteriores.—Comuníquese.

Rubricado por S. E. el General Presidente.—ESQUIVEL.

ACUERDO Nº XXXI.

Crea un resguardo en la boca del río Colorado.

Secretaría de Hacienda.

Palacio Nacional.—San José, marzo 16 de 1886.

Con la mira de establecer la necesaria vigilancia del contrabando en la costa atlántica de la República, Su Excelencia el General Presidente

ACUERDA:

1º—Crear un resguardo dependiente de la Inspección General de Hacienda, el cual residirá en la boca del río Colorado, con sujeción á las disposiciones de la ley sobre la materia.

2º—Este resguardo se formará de un Comandante y cinco guardas, el primero con la dotación mensual de ochenta pesos, y cada uno de los demás con la de cuarenta pesos.

3º—Apruébase el nombramiento hecho por el Inspector General de Hacienda, en el señor don Juan Barth y Quesada para Comandante del enunciado Resguardo, y en los señores Diego Chaves y Salazar, Higinio Saborío, Ramón García, Manuel Herra y Delgado y Justo Oviedo y Chaves para guardas.

4º—Apruébase igualmente el presupuesto de gastos de instalación del mismo resguardo, que por la suma de ciento diez y siete pesos ($ 117-00), ha pasado á esta Secretaría el señor Inspector del ramo, y concédese á los empleados aquí nombrados el anticipo de media mensualidad para los primeros gastos que se les originarán en el lugar á que van destinados.—Publíquese.

Rubricado por S. E. el General Presidente de la República.—FERNÁNDEZ.

Annex 206

DECREE NO. XXXII ESTABLISHES THE DUTIES OF THE COLORADO GUARD, 16 MARCH 1886

SOURCE: COLECCIÓN DE LAS DISPOSICIONES LEGISLATIVAS
Y ADMINISTRATIVAS EMITIDAS EN EL AÑO 1886, EDICIÓN OFICIAL
(SAN JOSÉ: IMPRENTA NACIONAL, 1887), PP. 153-154

TRANSLATION

"Decree N°. XXXII

Establishes the duties of the Colorado guard

Treasury Department

National Palace - San José, 16 March 1886.

Having established under agreement number 46 of this date a maritime and terrestrial guard at the mouth of the Colorado River in the Atlantic, His Excellency the President General of the Republic

Decrees:

The Guard in question shall have at its disposal a national steamer with its respective crew made up of a captain-pilot, an engineer, and a stoker and his helper.

The duties of the Guard are the following:

1st To prevent contraband in the waters and territories of its circumscription.

2nd To give the relevant notice and information for the persecution of smuggling to the guards in San Carlos and Sarapiqui, or to the Inspector General, according to the circumstances.

3rd To request assistance from the guards of Sarapiqui and San Carlos, and obtain it whenever the Commander of Colorado deems it necessary.

4th To make at least one monthly visit to the port of Limon in order to take correspondence to and from Colorado.

5th To reconnoitre at least once a week the Rivers San Juan, Colorado, Sarapiqui and San Carlos; the first in the whole extent that it is navigable for Costa Rica, the second in its entire extent, and the latter two along the entire stretches that are navigable by steamer.

The itinerary shall be reserved in order that the guard's actions are not eluded.

6th To institute preliminary proceedings and to report seizures to the respective authority at Limon.

7th To carry out orders received from higher revenue authorities that have been duly communicated.

The General Inspector of the Treasury shall, following the approval of this Department, issue the instructions it deems necessary for the proper functioning of the guard of Colorado. – To be published.

Signed by His Excellency the President General of the Republic. – Fernandez.

COLECCION

DE LAS

OCTAVIO BEECHE.
ABOGADO Y NOTARIO.
SAN JOSE COSTA RICA.

DISPOSICIONES LEGISLATIVAS Y ADMINISTRATIVAS

EMITIDAS

en el año

1886.

EDICION OFICIAL

SAN JOSÉ.
Imprenta Nacional.
1887.

SAN JOSE
COSTA

pección General de Hacienda, el cual residirá en la boca del río Colorado, con sujeción á las disposiciones de la ley sobre la materia.

2º—Este resguardo se formará de un Comandante y cinco guardas, el primero con la dotación mensual de ochenta pesos, y cada uno de los demás con la de cuarenta pesos.

3º—Apruébase el nombramiento hecho por el Inspector General de Hacienda, en el señor don Juan Barth y Quesada para Comandante del enunciado Resguardo, y en los señores Diego Chaves y Salazar, Higinio Saborío, Ramón García, Manuel Herra y Delgado y Justo Oviedo y Chaves para guardas.

4º—Apruébase igualmente el presupuesto de gastos de instalación del mismo resguardo, que por la suma de ciento diez y siete pesos ($ 117-00), ha pasado á esta Secretaría el señor Inspector del ramo, y concédese á los empleados aquí nombrados el anticipo de media mensualidad para los primeros gastos que se les originarán en el lugar á que van destinados.—Publíquese.

Rubricado por S. E. el General Presidente de la República.—Fernández.

ACUERDO Nº XXXII.

Fija las atribuciones del resguardo del Colorado.

Secretaría de Hacienda.

Palacio Nacional.—San José, marzo 16 de 1886.

Establecido por acuerdo número 46 de esta fecha, un resguardo marítimo y terrestre en la boca del río Colorado, en el Atlántico, Su Excelencia el General Presidente de la República

Acuerda:

El resguardo de que se trata tendrá á su disposición un vapor nacional con su tripulación correspondiente, formada de un capitán-piloto, un maquinista y un fogonero y su ayudante.

Son atribuciones del Resguardo:

1º—Celar el contrabando en las aguas y territorio de su circunscripción.

2º—Dar á los resguardos establecidos en San Carlos y Sarapiquí, ó al Inspector General, según las circunstancias, los avisos y noticias del caso para la persecución del contrabando.

3º—Pedir auxilio á los resguardos de Sarapiquí y San Carlos, y obtenerlo siempre que fuere necesario á juicio del Comandante de Colorado.

4º—Hacer cuando menos un viaje cada mes al puerto de Limón, con objeto de conducir la correspondencia de y para Colorado.

5º—Reconocer cuando menos una vez por semana los ríos de San Juan, Colorado, Sarapiquí y San Carlos, el primero en toda la extensión en que es navegable para Costa Rica, el segundo en toda su extensión, y los dos últimos en todo el trayecto que son navegables á vapor.

El itinerario será reservado, para que no se eluda la acción del resguardo.

6º—Instruir las primeras diligencias y dar cuenta de las aprehensiones hechas, á la autoridad respectiva del puerto de Limón.

7º—Cumplir las órdenes que reciba de las autoridades superiores fiscales debidamente comunicadas.

El Inspector General de Hacienda, con aprobación de esta Secretaría, dictará las instrucciones que convengan para el buen régimen del resguardo del Colorado.—Publíquese.

Annex 207

PEDRO PÉREZ ZELEDÓN, ARGUMENT ON THE QUESTION OF THE VALIDITY OF THE TREATY OF LIMITS BETWEEN COSTA RICA AND NICARAGUA (WASHINGTON: GIBSON BROS., 1887) (EXTRACTS) PP. 53-55, 100, 154-161 AND 274-278

RD. 77. 6

ARGUMENT

ON THE QUESTION OF THE VALIDITY OF THE TREATY OF LIMITS BETWEEN COSTA RICA AND NICARAGUA

AND

OTHER SUPPLEMENTARY POINTS CONNECTED WITH IT,

SUBMITTED TO THE

Arbitration of the President of the United States of America,

FILED ON BEHALF OF THE GOVERNMENT OF COSTA RICA

BY

PEDRO PÉREZ ZELEDÓN,

ITS ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
IN THE UNITED STATES.

(TRANSLATED INTO ENGLISH BY J. I. RODRIGUEZ.)

G JAN

WASHINGTON:
GIBSON BROS., PRINTERS AND BOOKBINDERS.
1887.

the ocean up to three miles this side of Castillo Viejo and the community of sovereignty on the bays of San Juan and of Salinas.

General Don Tomas Martinez, Provisory President of Nicaragua, had been invested by the Constituent Assembly of that Republic, at that time in session, to which he had reported in full the situation, ample and unlimited faculties to get over its difficulties as he might deem best, by means of treaties, which would not need ratification by the same Assembly, except only in case that the agreements made and entered into by him should prove to be at variance with the secret instructions simultaneously communicated to him. Then, and only then, the ratification by the Assembly was necessary.

In compliance with this decree, President Martinez approved of and ratified the treaty of April 15, 1858.[1]

No one has ever said that he exceeded his instructions.

The decree by which he approved of and ratified the treaty reads as follows:

"Tomas Martinez, the President of the Republic of Nicaragua:

"Whereas, General Máximo Jerez, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua to the Republic of Costa Rica, has adjusted, agreed upon, and signed, on the fifteenth instant, a treaty of limits, *fully in accordance with the bases which, for that purpose, were transmitted to him by way of instructions;* finding that said treaty is conducive to the peace and prosperity of the two countries, and reciprocally useful to both of them, and that it facilitates, by removing all obstacles that might prevent it, the mutual alliance of both countries, and their unity of action against all attempts of foreign conquest; considering that the Executive has been duly and competently authorized, by legislative decree of February 26th ultimo, to do everything conducive to secure the safety and independence of the Republic; and by virtue, furthermore, of the reservation of faculties spoken of in the executive decree of the 17th instant:

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[1] See Doc. No. 16.

"Does hereby ratify each and all of the articles of the treaty of limits made and concluded by Don José Maria Cañas, Minister Plenipotentiary of the Government of Costa Rica, and Don Máximo Jerez, Minister Plenipotentiary of the Supreme Government of Nicaragua, signed by them on the 15th instant, and ratified by the Costa Rican Government on the 16th. And the additional act of the same date is likewise ratified.

"Given at Rivas on the 26th day of April, 1858.

"TOMAS MARTINEZ.
"GREGORIO JUAREZ,
"*Secretary.*"

On the side of Costa Rica the treaty was ratified without difficulty; and as its conclusion was deemed to be a happy event for Central America, and more especially for the Republics immediately concerned in it, the exchange of the ratifications was made with unusual solemnity by the Presidents of the two Republics personally, attended by their respective Secretaries of State, and with the intervention of the Mediator Minister, Colonel Negrete.

With the act of exchange of these ratifications, the old question, which so often had caused both countries to come to the very verge of unpleasant situations, was settled and set at rest.

The Nicaraguan Executive took, however, a step further, and submitted the treaty to the Assembly. This was done, not because necessary, for the treaty, according to the terms of the decree of the Assembly, was valid without such a requisite; nor because such a submission was required as a matter of form, since the ratifications had been exchanged, and this exchange is a formality which never follows, but precedes legislative sanction; but because of the importance of the matters involved in it. And the Assembly came then and added its supreme sanction to the treaty by decree, which reads as follows:

"NUMBER 62.

"The Constituent Assembly of the Republic of Nicaragua, in use of the legislative powers vested in it, decrees:

"Article only. *The treaty of limits concluded at San José on the 15th of April, instant, between General Don Máximo Jerez, Minister Plenipotentiary from this Republic, and General Don José Maria Cañas, Minister Plenipotentiary from the Republic of Costa Rica,* with the intervention of Colonel Don Pedro Rómulo Negrete, Minister Plenipotentiary from Salvador, IS HEREBY APPROVED.

"TO THE EXECUTIVE POWER.

"Given at the Hall of Sessions of the Constituent Assembly in Managua, on the 28th of May, 1858—Hermenegildo Zepeda, *Vice-President;* José A. Mejiá, *Secretary;* J. Miguel Cárdenas, *Secretary.*

"Thereupon: Let it be executed. National Palace, Managua, June 4th, 1858—Tomas Martinez."

In consequence thereof the treaty was published in the Official Journal,[1] and the text thereof was communicated as a law of the Republic to the diplomatic body, both foreign and national.

The same thing was done at Costa Rica.

The Constituent Assembly framed and enacted subsequently the Constitution of the Republic, and, by its Article I, declared that all special laws on limits formed part of the Constitution. By virtue of this provision the treaty of April 15, 1858, was clearly and indisputably embodied in the fundamental charter of that country.

The Costa Rican Constitution, which, in the following

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[1] Gaceta de Nicaragua, No. 15, May 28, 1851.

The Nicaraguan Minister, Don Luis Molina, handled the case successfully, and a settlement satisfactory to both parties was reached, wherein the principle was established, that on the Nicaraguan soil and waters no other flag could rightfully be carried than the one of Nicaragua.

In the letter addressed to Mr. William H. Seward, Secretary of State of the United States, on October 7, 1863, the Nicaraguan diplomatist expressed himself as follows:

"On the other hand I can assure Your Excellency that the present administration of Nicaragua does not feel disposed to consent that any other flag, except her own AND THE ONE OF COSTA RICA, AS BORDERING STATE, should float in the navigation of her interior waters; that it considered as unauthorized the use of the United States flag made by the Central American Transit Company, and even by the least of its laborers, for the purpose of evading the orders of the Government and escaping the authority of Nicaragua; and that it being persuaded that such an abuse can lead only to complications, it will maintain its right and demand that the aforesaid Company, or any other owing its existence to it, be rooted and nationalized in the country in accordance with the Law of Nations, and that the national flag be used preeminently whenever a flag be required within her jurisdiction, without admitting any other, except under exceptional circumstances and through courtesy."

There cannot be found a more striking acknowledgment of the rights of Costa Rica under the treaty of 1858.

Neither the United States of America nor any other power has the right to carry its flag into the interior Nicaraguan waters, this right belonging only to Nicaragua herself by virtue of her sovereignty *and to Costa Rica as a bordering nation.*

The action of the Nicaraguan Minister in Washington was not only approved and commended, but especially rewarded by the Government of that country.

The fact was made known to the Chambers, and they also approved what had been done.

Rhode Island, or its Legislature, had no power to do such a thing.[1]

But the best proof which can be given of the fact that the doctrine herein held by me is the only legitimate and correct one will be found in the explicit sanction which Nicaragua herself has given to it.

By Article VIII of the treaty of limits of 1858 it was stipulated that, before entering into any contract of canalization or transit, Costa Rica should be consulted; and the reason of this provision was, as plainly stated in Article VIII, because of the "disadvantages that the transaction might produce" for Costa Rica. This was proper and just, as, also, was the stipulation that the opinion of Costa Rica should not be merely advisory and consultative, but an actual vote, when the disadvantages alluded to were such as "to injure" the natural rights of Costa Rica.

Natural rights, disadvantages, injury, necessity of consultation, the right of veto, if such can be said, have been acknowledged; and all of this means that Costa Rica has a perfect and indisputable right to oppose the deviation of the course of the San Juan river.

If Costa Rica has this right when the work to be done refers exclusively to canalization and transit, how can it be denied when the work to be done is the radical one of carrying the river elsewhere, and depriving Costa Rica of the long river front which she now enjoys?

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[1] Angel on Water-Courses, chap. xii, p. 507.

CHAPTER II.

WHETHER MEN-OF-WAR OR REVENUE CUTTERS OF COSTA RICA CAN NAVIGATE ON THE SAN JUAN RIVER.

BY the necessity of system, and following the plan initiated, I must now pass to occupy myself with question No. 8, propounded by Nicaragua.

This question reads as follows:

"*Eight.*

"If Costa Rica, who, according to Article VI of the treaty, has only the right of free navigation for the purposes of commerce in the waters of the San Juan river, can also navigate with men-of-war or revenue cutters in the same waters?"

In order that the language be precise, and that the meaning of the compact should not be modified by the introduction of a word, I must begin by calling the attention of the arbitrator to the fact that the word *only* which occurs in the question does not occur in Article VI of the treaty of limits.

That article simply reads in this way:

"But the Republic of Costa Rica shall have in the said waters the perpetual rights of navigation, from the above said mouth up to a point three English miles distant from Castillo Viejo, for the purposes of commerce, either with Nicaragua or with the interior of Costa Rica," &c.

Does this mean that Costa Rica cannot under any circumstances navigate with public vessels in the said waters, whether the said vessel is properly a man-of-war, or simply a revenue cutter, or any other vessel intended to prevent smuggling, or to carry orders to the authorities of the bordering districts, or for any other purpose not exactly within the meaning of transportation of merchandise?

The answer seems to be very simple, especially when the fact is taken into consideration that, under no circumstances whatever, even in case of war, acts of hostility can be done by either of the two Republics against the other in the waters of the river, or of the Lake of Nicaragua, or the Bay of San Juan.

It seems to be beyond discussion that Costa Rica can navigate in the San Juan river with public vessels, which are not properly men-of-war.

It was stipulated in the treaty, to the benefit of Nicaragua, that Nicaraguan vessels could bring their cargoes to the Costa Rican bank of the river and unload them there; and this permission, or right, presupposes, necessarily, the correlative right of Costa Rica to watch its own banks by the only practicable means, which is the revenue police, during the whole course of the river navigable for Costa Rica.

If this only means of vigilance would not be permitted, the Costa Rican commerce would be deprived of protection and at the mercy of smuggling.

Within the meaning of the words, commercial navigation, both the revenue police, the carrying of the mails, and all other public services of the same kind are necessarily included.

In regard to men-of-war, there is no reason why they cannot be admitted upon the waters of the San Juan river.

Carlos Calvo, in his work already cited, Book IV, § 230, says the following: * * * "In principle, a port of free entry is considered tacitly as one accessible to the men-of-war of all nations, and, unless stipulated to the contrary, the free access granted to all merchant vessels is extended to war vessels of the friendly nations. This is a point upon which all writers of public law fully agree."

By analogy, this doctrine can be perfectly well applied to the navigable rivers; and if all the friendly nations have the right to navigate with men-of-war in the large rivers, why can the right of Costa Rica to do the same thing on the San Juan river be disputed by Nicaragua, who is separated from her only by the river? How can that right be disputed when the fact is taken into consideration that before the treaty of 1858 Costa Rica was co-owner of the San Juan river, and that by the treaty itself Costa Rica reserved for herself the perpetual right of navigation in the same river, and that, in fine, the compact does not read that Costa Rica has the said right of navigation *only* for purposes of commerce, and for no other?

And if the limitation of the rights of Costa Rica is to be derived from the alleged fact that the treaty only mentions commercial purposes, such an argument could be met at once with the assertion that the maxim, *qui dicit de uno negat de altero*, is only applicable when the thing affirmed excludes the other, which does not happen in this case.

Even in those very rare instances in which the navigation with vessels of war is forbidden, as it happens in the Dardanelles, the prohibition has not been made except by special convention, in the absence of which it would be difficult for the Porte to close the Dardanelles or the Bosphorus against vessels of war.

Something similar to this happens in the Black Sea. By the treaty of Paris, of March 30, 1856, the neutrality of the Black Sea was declared exactly in the same way as the neutrality of the San Juan river, the pórt of San Juan, and the Lake of Nicaragua, as far at least as Nicaragua and Costa Rica are respectively concerned, was declared by the treaty of San José, of April 15, 1858. It was also declared in the former treaty that the Black Sea was open to the commerce of the world, and so are also the waters of the river, port, and lake above mentioned, at least for the two Republics.

The treaty of Paris forbade "formally and perpetually that vessels of war, whether of the bordering nations, or of any other whatsoever, should navigate in the Black Sea." But soon the necessity was recognized of establishing there some force to do the shore service; and the same treaty provided the manner in which Russia and Turkey should enter into some agreement in regard to this point.

As it is known, there are now in those waters a certain number of steamers of no more than 800 tons burden, and some sailing vessels of certain dimensions agreed upon by both parties; but all of them men-of-war and belonging to the two nations.[1]

As remarked by Dr. Wharton, in his Digest, in reference to the work of Fauchille (Blocus Maritime, Paris, 1882), one thing is the neutrality of certain waters, and the prohibition for the nations who so stipulated it to commit hostilities against each other in the said waters, and another, and a very different thing, is to navigate in those waters with vessels of war.

So it is that Costa Rica and Nicaragua cannot wage war against each other in the San Juan river, but, nevertheless, they can navigate with men-of-war in the waters thereof.

And certainly Nicaragua is, perhaps, the nation who has proclaimed most loudly the distinction above referred to. She has concluded several treaties with different European nations, and has stipulated in them that the waters of the interoceanic canal, the waters of the San Juan river being included in them (if the canal is ever built) shall be neutral; but, nevertheless, she has permitted the said nations to navigate the said canal with vessels of war, and to station there armed forces for the purpose of protecting commerce and the interests of the foreign citizens or subjects of the contracting nations which might be in danger.

So it was stipulated with France, by Article IX of the treaty of the 11th of April, 1859; with Great Britain, in Article XXII of the treaty of February 11, 1860; and with the United States of America, by Article XXI of the treaty of June 21, 1867.

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[1] Woolsey, § 61.
Dr. Wharton's Digest, chap. ii, § 40, p. 169.

Costa Rica might claim the same privilege granted to the three above-named nations, because, under Article IV of the treaty of August 14, 1868, between Nicaragua and Costa Rica, it was provided that everything granted to any nation whatsoever by either contracting party must be at once understood to be common to the other. This stipulation would give Costa Rica the right to place on the waters of the San Juan river, in the event foreseen, and for the purposes had in view by these treaties, all kinds of men-of-war.

But there is, after all, a fundamental consideration which is perplexing, not, certainly, on account of the decision to be given to the point in question, but owing to the difficulty of understanding how the Government of Nicaragua could ever consider this point of the treaty of limits of 1858 to be doubtful and admit of different interpretations.

All that I have said in this portion of my work in explanation of the facts and law which relate to the subject might be erroneous, badly brought, irrelevant, and absolutely inadmissible on general principles, and, nevertheless, it would be true that Costa Rica can navigate with men-of-war and other Government vessels on the waters of the San Juan river. It is Nicaragua herself who has solemnly granted that right by an article of that very same treaty which she alleges to be doubtful or capable of different interpretation.

"Costa Rica shall also be bound," says the second part of Article IV of the treaty, "owing to the portion of the right bank of the San Juan river, which belongs to it, * * * to co-operate in its custody; and the two Republics shall equally concur in its defence in case of foreign aggressions; and this will be done by them with all the efficiency that may be within their reach."

It can be seen by these phrases, as plainly and transparently as they can be, that Costa Rica has not only the right but the duty, or to follow exactly the language of the treaty, the "obligation," not only of watching, guarding, and defending its own river bank, but of contributing to the custody and defence of the other bank belonging to Nicaragua.

If that duty should not be complied with *with all the* efficiency within the reach of Costa Rica, the latter nation would violate an obligation contracted in a solemn treaty, and Nicaragua might prefer against Costa Rica a well-grounded charge. And if this is the case, how can it be possible for Nicaragua to suppose that Costa Rica has no authority to navigate in the said river with Government vessels to be used in the police service of the locality, and in the custody of the two banks, and with regular men-of-war to be used in the defence, as efficient as possible, of the same banks in case of foreign aggressions?

No one can accomplish a purpose, unless he has the means to do it; and it would be against logic and reason to impose upon, either a man or a government, the duty of *guarding* and *defending* a place, and at the same time deprive the one or the other of the right of arming or preparing themselves for resisting in the proper manner the aggression foreseen.

"The right to a thing," says Wheaton, "gives also the right to the means without which that thing cannot be used." (Part III, chap. IV, § 18). "This is founded on natural reason, is accredited by the common opinion of mankind, and is declared by the writers."

Let it not be said that the authority to navigate with men-of-war is only confined to the special case of foreign aggression. The treaty does not refer to this case exclusively, but speaks also of guard or custody, which means watching, vigilance, and other things of permanent character and necessarily previous to actual defence. This, especially in a river, cannot be improvised at the very same instant that trouble arises; since, in order that it may be possible and efficient, a perfect knowledge of the locality, which cannot be acquired except by navigating the same river, is absolutely indispensable.

Much more so when it is well known that the navigation of the San Juan river encounters many obstacles, not only on account of its shallowness at certain places, but also owing to its rapids and other dangers. The defence of a river of this kind, without practical knowledge of all its peculiarities, rather than defence would be a sure surrender to the enemy of the elements brought into action to oppose it.

Let it not be claimed either that Costa Rica is relieved from the duty assumed by her of guarding and defending the river, nor that such duty has ceased or been abridged through the fact that Nicaragua denies to her the right to navigate said river with men-of-war; because the navigation of the San Juan river, which is the boundary between Costa Rica and Nicaragua, and is a boundary open and accessible to invasions by all kinds of enemies, was mentioned in the treaty, not simply for the benefit of Nicaragua, and as an obligation on the part of Costa Rica, but because it involves also a sacred right of the most vital importance for its safety and preservation.

No. 56.

Remarks made by the Government of Costa Rica to the Government of Nicaragua when the latter submitted to the Nicaraguan Congress its so-called doubts in regard to the validity of the treaty of limits of 1858.

[SEAL]. San José, *February* 1st, 1870.

Sir: I have read with deep sorrow that part of the message addressed by Your Excellency to the Nicaraguan Congress, wherein the treaty of limits between Costa Rica and Nicaragua of April 15, 1858, is discussed.

That passage of Your Excellency's message reads literally as follows:

"Article II of the Constitution of November 12, 1838, which was the one in force at the time in which the treaty of limits was adjusted, declared that the territory of the State of Nicaragua was exactly the same as the territory which the Province of Nicaragua had been. This Province, before the independence, embraced the whole territory of Guanacaste.

"Article 194 provided that, for the amendment of or addition to any article of the Constitution, it should be required among other formalities that the said amendment or addition should be approved by the two-third vote of the Senators and Members present, and that, after securing this vote, neither the amendment nor the addition should be considered as forming a part of the Constitution, as all laws on limits are, until sanctioned by the next Legislature."

"The same formalities are established for similar cases by Article 103 of the present Constitution."

"The treaty of limits, in which Nicaragua, abrogating Article II of her Constitution, generously ceded to Costa Rica a large portion of territory, which she has possessed quietly, both before and after the independence, required for its validity to have been sanctioned by the next Legislature. It was approved by the Assembly of 1858; but that was not enough. It ought to have been approved, also, by the Congress of 1859, because the two Legislatures were considered by the Constitution as if they were two co-ordinate legislative bodies, the approval by the first being only of initiative character and lacking legal force without the approval of the second, exactly in the same way as the action of one Chamber in the enactment of a law means nothing if the other Chamber does not act accordingly."

"The said formality having been omitted, the treaty of limits lacks legal force, and therefore Costa Rica has no right to demand its execution, because, according to the principles of the law of nations, treaties are void and inoperative through the omission of any requisite which, according to the Constitution of the State, was necessary for its consummation."

"The Government of Costa Rica has acknowledged that this is the condition in which the above said treaty finds itself, because in Article VI of a convention made on the 12th of July, 1869, between the Plenipotentiaries Don Mariano Montealegre and Don A. Jimenez, about the cession of the waters of the Colorado river for the purpose that they should be thrown into the San Juan, a convention of which, in due time, I gave you the proper information, it asked Nicaragua to ratify the treaty of limits with Costa Rica, and to agree to submit to the arbitration of the Government of the United States of North America all questions arising out, either of the said treaty, or of the execution of the convention just spoken of."

"Costa Rica, in asking Nicaragua to ratify the treaty of limits in which the latter State ceded to the former a large extent of its territory as preliminary for allowing the waters of the Colorado river to be thrown into the San Juan, looked as if pretending that Nicaragua first should give it the whole thing, and subsequently take back a portion of it. It is useless to repeat here the obvious reasons which you had in view for rejecting the convention."

"In order to avoid perplexities in the course of this business, the Executive requests your Honorable Body to define well the rights of the Republic in the matter of limits with Costa Rica before undertaking works or devising plans for the improvement of its ways of communication on the northern side."

This grave subject being now under discussion in the Chambers of your Republic, I think it my duty to present to Your Excellency some remarks, and request that, if deemed proper, they be transmitted to the Congress of Nicaragua for their consideration.

The Constitution of your Republic, promulgated on the 12th of November, 1838, as Your Excellency yourself recognizes, did not say anywhere that the territory of Guanacaste was part of Nicaragua. It confined itself to indicate that the territory of the State was the same as belonged to it when a Province.

In reference to this I must state that Guanacaste, in the time of the Spanish Government, always was under the immediate jurisdiction and control of Cartago; and that the Spanish Cortes, when they promulgated the Constitution of 1812 decided that Guanacaste should be incorporated in Costa Rica for the purposes of electing deputies both for the Cortes and for the provincial deputation or assembly.

I must say further, that according to the charter of the Colony of Costa Rica, the King of Spain appointed Don Diego Artieda y Chirinos to be the first Governor and Captain-General of this Province, marking as limit for the same the San Juan river on the Atlantic.

But there are other conclusive reasons founded upon documents of subsequent date in support of the treaty of limits.

It was approved by the Government of Costa Rica and Nicaragua.

It was ratified by the Congresses of Costa Rica and Nicaragua.

The ratifications of the treaty were duly exchanged, and the treaty was promulgated in both Republics as the law of the land in regard to limits.

Thirteen years have elapsed since that publication, and all the Legislatures which have met during that period have looked at that treaty as the basis of the relations between both countries.

The Legislature of Nicaragua approved the treaty of peace and amity concluded on the 30th of July, 1868, taking for granted that the limits between both Republics were settled.

The present Constitution of Nicaragua, subsequent in date to the treaty, says, in its Article I, that the laws on limits make a part of the Constitution.

The treaty herein referred to is a Nicaraguan law on limits, and a law of the highest importance. Therefore it is an integral part of the Constitution of Nicaragua, according to its own literal language.

Under these circumstances, the august Chambers of your Republic would need, before declaring the treaty of limits to be invalid, to be invested with all the power which Your Excellency says to be indispensable to amend the Constitution of your country, in addition to all other circumstances prescribed by international law to invalidate a treaty signed, approved, ratified, exchanged, promulgated, and executed during 13 years.

Your Excellency refers to a project of Convention celebrated on the 21st of July, 1869, between the Plenipotentiaries Don Agapito Jimenez and Don Mariano Montealegre.

Article VI of the said project alluded to by Your Excellency says: " The Government of Nicaragua ratifies by this convention the treaties which it has celebrated in regard to limits with the Government of Costa Rica."

I do not understand what was the reason why the Costa Rican Plenipotentiary acceded to subscribe to such an article, included in a project which was relative to a matter entirely independent of all question of limits; but I understand very well that the said article does not prove at all that the treaty of limits is not valid.

Señor Montealegre, Plenipotentiary of Nicaragua, came to suggest that Costa Rica should allow the waters of the Colorado river to be carried into the San Juan.

He recognized the validity of the treaty of limits, and requested that the waters of the Colorado river be granted to his country, and the request was granted by the Costa Rican Plenipotentiary, who assented, furthermore, to the enactment of Article VI above copied.

But the said project of convention, including its Article VI, was not ratified by the Congress of this Republic; and, therefore, it has no more force and strength than if it were simply blank paper.

To have some right to argue against Costa Rica on the ground of the said convention, it would be necessary for the convention to have become a law, which never happened.

Now, by virtue of the discretionary faculties vested in the President, His Excellency has the power to ratify public treaties; but His Excellency has not only refused to ratify the convention referred to, but has been pleased besides to decree that it is invalid and void.

Be pleased to accept the consideration with which I have the honor to assure Your Excellency that I am your most attentive servant,

MONTUFAR.

To His Excellency THE MINISTER OF FOREIGN RELATIONS of Nicaragua.

Annex 208

REPLY OF THE REPUBLIC OF NICARAGUA TO THE CASE OF THE REPUBLIC OF COSTA RICA (WASHINGTON: 1887) (EXTRACTS), PP. 48-49

REPLY

OF THE

REPUBLIC OF NICARAGUA

TO THE

CASE OF THE REPUBLIC OF COSTA RICA,

SUBMITTED TO HIS EXCELLENCY,

HON. GROVER CLEVELAND,

President of the United States,

ARBITRATOR,

UNDER THE TREATY OF GUATEMALA OF
DECEMBER 24, 1886.

WASHINGTON, D. C.
1887

sovereignty of the two Republics should be the River Colorado.

EIGHTH.

The eighth point of doubtful interpretation submitted by Nicaragua to Costa Rica is the same that is described in the sixth paragraph of the treaty of 1886, to wit, whether Costa Rica has the right of navigation of the San Juan river with vessels of war or of the revenue service.

Article VI of the treaty provides that Costa Rica shall have perpetual rights of free navigation upon the San Juan river from its mouth to three English miles below Castillo Viejo *for the purposes of commerce*. Does this imply the right to navigate these waters with vessels of war or of the revenue service? Nicaragua maintains that it does not, while Costa Rica affirms that it does. Article IX provides that no act of hostility shall be practiced on the waters of this river even in the event of actual war.

The navigation of a river for commercial purposes does not draw with it the menace that the appearance on its waters of vessels of war must necessarily imply. What need has Costa Rica of war vessels in the light of Article IX of the treaty? Even if war was flagrant, her commerce on this river could not be interfered with.

This article simply transformed to a perfect right what the law of nations denominates an imperfect right—a right of outlet to the sea, and a right of trade, by means of this natural highway, with foreign nations. This imperfect right did not imply the right to navigate with vessels of war.

The sovereignty over the river is accorded to Nicaragua. Shall her territory be menaced by foreign ships of war? It is claimed such navigation is needed to protect commerce. Against whom is such protection needed? Certainly not against Nicaragua, for that cannot be interfered with, even in case of actual hostilities. No other power can interfere, because the sovereign right vests solely and exclusively in Nicaragua.

The presence, then, of armed vessels would be a menace to the peace of Nicaragua, and cannot be admitted, either under the laws of nations or the provisions of this treaty.

Vessels of the revenue service are akin to vessels of war. While they have not all the means of aggression as the former, still they are armed vessels, capable of enforcing their demands by force, and must be classed in the same category as vessels of war. Neither have the right, under a commercial license, to invade the territory, domain, or sovereignty of the Republic of Nicaragua.

Nor does the treaty of 1868, by which Costa Rica becomes entitled to enjoy the rights of the "most favored nation" in Nicaragua, change the force or effect of the foregoing. By this term is meant those rights which may be accorded simply as matter of favor as contradistinguished from those rights acquired from mutual concessions, reciprocity, or in consideration of some equivalent. The concessions to other nations referred to by Costa Rica are not matters of favor, but have been granted in consideration of advantages gained by Nicaragua, and hence do not extend to other nations.

TENTH.

As the reasons for making the stipulations of Article VIII have disappeared, must Nicaragua be still obliged not to grant canal concessions through her territory

Annex 209

REPORT OF CIRO A. NAVARRO, ASSISTANT TO THE INSPECTORATE, TO THE GENERAL INSPECTOR OF THE TREASURY, 9 MARCH 1892

SOURCE : ARCHIVO NACIONAL DE COSTA RICA

TRANSLATION

Dear General Inspector of the Treasury:

Extending my report from the 7th of the current month, regarding the commission that you kindly assigned to me on the 11th of the previous month, I am glad to add: that on 21st February I sailed off from the mouth of the San Carlos River in the steamboat "Adela", bound for "Castillo Viejo", accompanied by Mr. Jenaro Soto Sibaja, appointed Commander; and the guards Alberto Vargas, Luis Martínez, Leonidas Morales, Pascual Campos, Hilario Santamaría, José Soto, Francisco Elizondo and Toribio Berrocal, with the purpose of installing them in their residential guard point in "Terrón Colorado", in "Río Frío". Before entering the waters under exclusive dominium of Nicaragua, I did hide in Costa Rican territory the arms and ammunitions that I carried for that post, and thus the guards having been disarmed I left them on board of said steamboat while at a place called "El Ticho" and I went before them to "Castillo Viejo" with the intention of requesting, as I did, permission from the commander of that fortress to cross the San Juan River with the aforementioned weapons; explaining to what end I was carrying them and the great difficulties that it would suppose for me to transport them by land to "Terrón Colorado" where the guard would remain. I asked for this permission in attention to the fiscal purpose with which I carried the weapons, and as retribution for the acquiescence from the Government of Costa Rica, which places no interdiction and does not demand the respective licenses for the transit of troops and weaponry that passes by the Colorado River, which is exclusively Costa Rican territory, from Nicaragua every month heading for "Prinsa, Polka", "Rama" and other places in that country, following as accustomed the provisional use granted to Nicaragua by the Article 5 of the treaty of limits of 15 April 1858, for as long as Nicaragua does not recover, as it has by now, full possession of all its rights in the port San Juan del Norte; for which reason the use and possession of Punta de Castilla has remained shared by Costa Rica and Nicaragua until its limits in the Colorado River, and even the river itself, granted the use that they freely make of it, in addition to that of the same coastline of the Punta de Castilla where there exists a warehouse that the steamboat Company has established on the left side of the Colorado River. In spite of this, the commander of "Castillo Viejo" answered me that he would gladly grant my request, but that he had to follow previous orders which forced him to deny permission to let weaponry pass by the river; nevertheless he would communicate my request by telegraph to the Nicaraguan Minister of War, whose answer was doubtless negative since instead, following the orders of the Customs Manager, the steamboat carrying the guards was searched, as well as the river's coastlines; and the Castillo was reinforced with at least 25 soldiers. Due to this, I found myself forced to take the weapons and ammunition through the mountain, crossing lagoons, swamps, channels and rivers that make the transit by San Carlos land almost difficult to the point called "Terrón Colorado", to finally set up the Guard [*resguardo*] in accordance with the agreement with the Treasury Department. I nevertheless understand this guard's [*resguardo*] situation, for although it is beneficial for the revenue service, for the individuals at the guard [*resguardo*] it is troublesome and damaging, so that few people would like to serve at that place, mainly on account of the lack of resources to live, which can only be obtained in the stretch of houses in the San Carlos Fortress area, and on the left side of the San Juan River, more than seven leagues away from "Terrón Colorado".

I hereby conclude my report to the honourable Tax Inspector, remaining your humble

servant

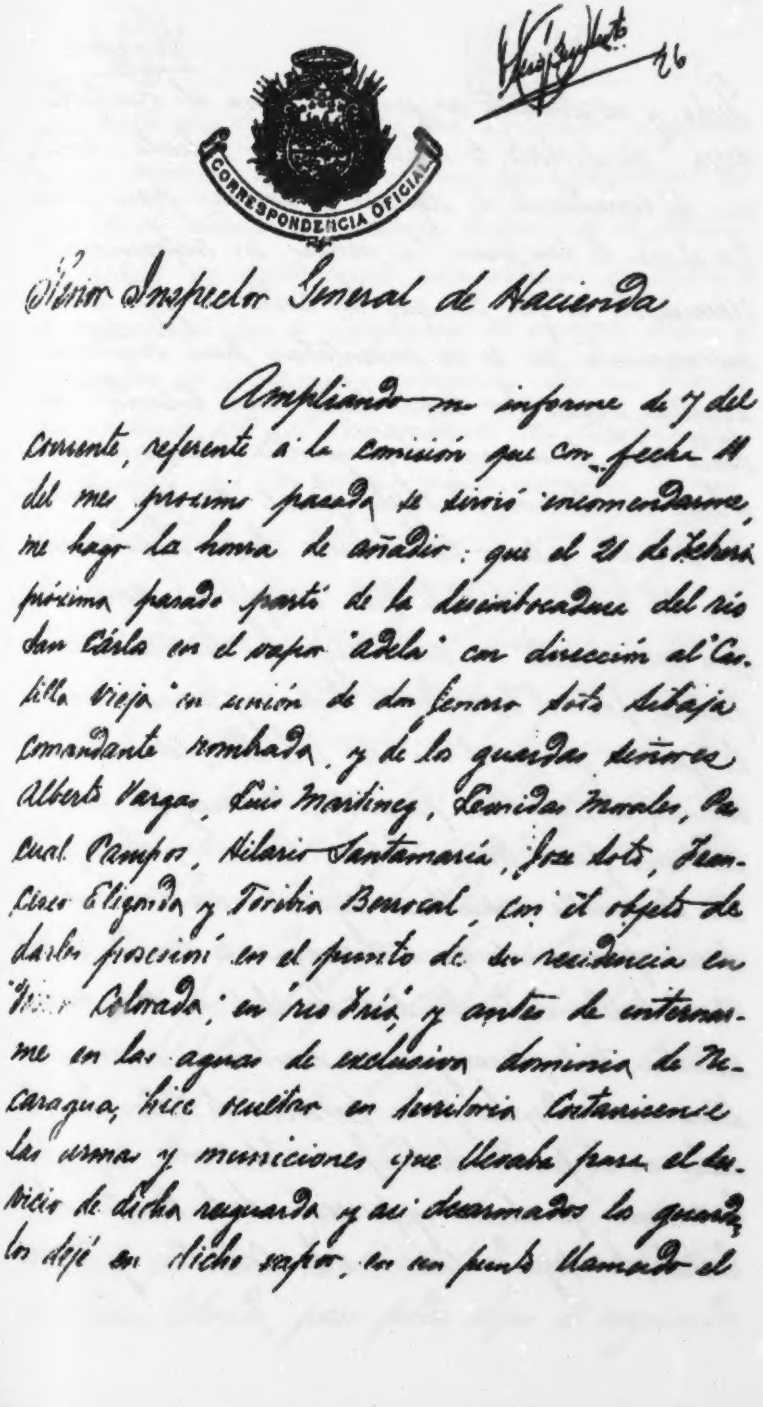
(S) Ciro A. Navarro
Assistant to the Inspectorate

San José, March 9, 1892.

It is faithful copy

San José March 12, 1892.

(Signature) Manuel Leiva



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CORRESPONDENCIA OFICIAL

Señor Inspector General de Hacienda

Ampliando mi informe de 7 del corriente, referente á la comisión que con fecha 11 del mes próximo pasado se sirvió encomendarme, me hago la honra de añadir: que el 21 de Febrero próximo pasado partí de la desembocadura del río San Carlos en el vapor "Adela" con dirección al "Castillo Viejo" en unión de don Genaro Soto Sibaja comandante nombrado, y de los guardas señores Alberto Vargas, Luis Martinez, Leonidas Morales, Pascual Campos, Hilario Santamaría, José Soto, Francisco Eligondo y Toribio Barrocal, con el objeto de darles posesión en el puesto de su residencia en "[illegible] Colorada", en "río Frío", y antes de internarme en las aguas de exclusivo dominio de Nicaragua, hice ocultar en territorio Costaricense las armas y municiones que llevaba para el servicio de dicho resguardo y así desarmados los guardas los dejé en dicho vapor, en un punto llamado el

Ticho y me adelanté en un bote para el Castillo viejo" con el objeto de solicitar, como solicité, licencia del Comandante de aquella fortaleza para pasar por el río de San Juan, las armas en referencia; exponiéndole el fin con que las conducía y los graves inconvenientes que se me presentaban para conducir aquellas armas por tierra hasta "Terron Colorado" en donde debía permanecer el resguardo, licencia que solicité en atención al objeto fiscal con que llevaba la armas; y como retribución de la aquiescencia del Gobierno de Costa Rica, en que no pone ningun inconveniente ni aun exige las licencias respectivas, para el tránsito de tropa y armamento de guerra que por el río del Colorado, del exclusivo dominio de Costa Rica pasan de Nicaragua casi cada mes para "Prinsa, Polka", "Rama" y otros puntos de aquella república, siguiendo por costumbre el uso provisional que a Nicaragua le concede el Art. 5° del tratado de límites de 15 de Abril de 1858 para mientras tanto Nicaragua no recobrara como ya tiene recobrado, la plena posecion de todos sus derecho en el puerto de San Juan del Norte; razon por la misma, que el uso y posecion de la Punta de Castilla, ha seguido común entre Costa Rica y Nicaraque hasta sus límites del río Colorado y aun en el río mismo, supuesto el uso que libremente hacen de él, además del mismo litoral de la punta de Castilla en donde existe una bodega de depósito de mercaderías que la compañía de vapores tiene establecida en la margen izquierda del río Colorado. No obstante esto, el comandante del "Castillo Viejo" me contestó que con mucho gusto accedería á mi solicitud; pero que debía cumplir con las órdenes que tenía y por cuyo motivo se encontraba en el caso de negarse a conceder el paso de las armas por el río; pero si comunicaría mi solicitud por telégrafo al señor Ministro de la Guerra de Nicaragua; cuya contestación sin duda fue negativa porque en lugar de esto, fué registrado por orden del señor Administrador de Aduana el vapor que conducía los guardas y aun las riberas del mismo río; y se reforzó el Castillo por lo menos con 25 soldados, con cuyo motivo me hallé en la necesidad de conducir las armas y municiones por entre la montaña, atravesando lagunas, pantanos, caños y ríos que casi hacen difícil el tránsito por tierra de San Carlos al punto llamado Terrón Colorado, para poder dejar el resguardo conforme al acuerdo de la Secretaría de Hacienda;— aunque comprendiendo la mala situación de aquel resguardo, porque si es cierto que es benéfica para el fisco, para los individuos del resguardo es perjudicial y gravosa, por lo que pocos querrán prestar sus servicios en aquel lugar, principalmente por la carencia y escacez de recursos para la vida, los que únicamente puede proveerse en el caserío del fuerte de San Carlos y á la margen izquierda del río de San Juan y á mas de siete leguas de "Terrón Colorado".

Dejo así concluido mi informe, suscribiéndome del señor Inspector, su atento

servidor

(f) Ciro A. Navarro

Auxiliar de la Inspección

San José Marzo 9 de 1892

Es copia fiel

San José Marzo 12 de 1892

Manuel Leiva

Annex 210

REPORT OF THE CHIEF OF GUARD [RESGUARDO] OF COLORADO, JUAN FRANCISCO ZELEDÓN, TO THE GENERAL INSPECTOR OF THE TREASURY, OF 31 OCTOBER 1892, TRANSCRIBED IN DOCUMENT NO. 97 FROM THE INSPECTOR OF THE TREASURY TO THE SECRETARY OF STATE IN CHARGE OF THE TREASURY, 8 NOVEMBER 1892

SOURCE : ARCHIVO NACIONAL DE COSTA RICA

TRANSLATION

No 97

Mister Secretary of State
For the Department of Finance

San José, November 8, 1892.

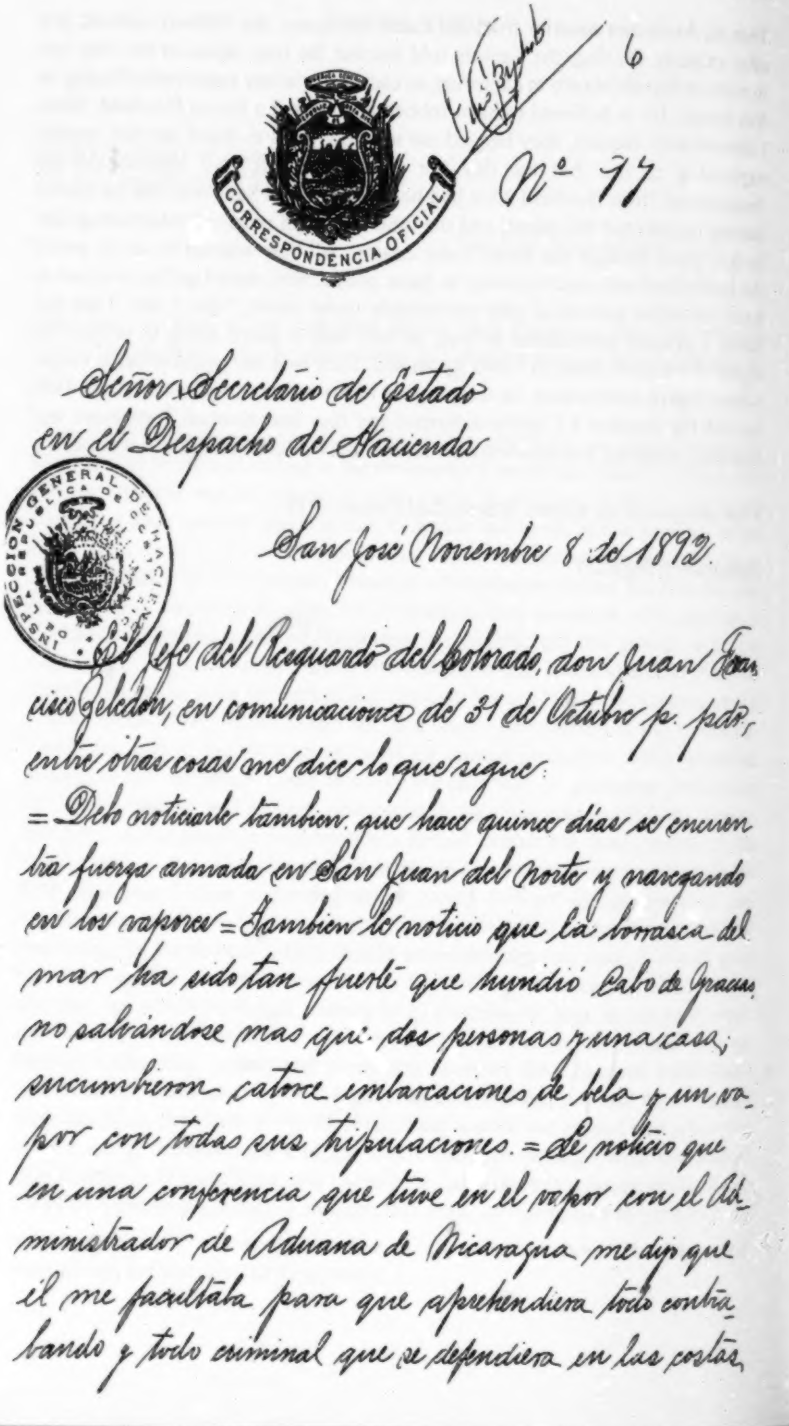
The Chief of Guard of the Colorado, Mister Juan Francisco Zeledón, informs me of the following, among other things, in a communication dated October 31 past:

=I must also inform you that since fifteen days ago there are armed troops in San Juan del Norte and sailing in the steamers.= I would also like to inform you that the tempest was so strong, it sunk Cabo de Gracias, with no survivors except for two persons and a house; fourteen sail boats and a steamer went down with all their crew.= I would also like to communicate that during a meeting I had with the Customs Manager of Nicaragua aboard the steamer, he gave me the authority to seize all contraband and criminals who put up a resistance along the coasts of Nicaragua. He granted me this power with the authority of his government under the condition that I would allow them to enter Infiernito to seize the contraband crossing toward "Castillo" so they could protect themselves; that he would set up a Guard [*resguardo*] in the Colorado bifurcation and in the Nicaraguan coast for mutual protection while pursuing smugglers and criminals, since this was the only way to guarantee protection for honest farmers and settlers who come to take possession of these coasts. Since it was not possible to subscribe a formal extradition treaty between the two Republics, this tolerance should be made as advantageous as possible for both countries. I then responded that I would forward his proposal to my Superior, so that he, in turn, could communicate it to the Government and that depending on the answer, which should arrive through this mail, I would give him my response, and if the answer was favourable, or accepting what he had told me, we would both sign a treaty in El Castillo, as long as we both were authorized by our respective governments. That the treaty should not go beyond authorizing our mutual protection between the Colorado bifurcation and Boca del Infiernito, but if the governments wished, it could be extended from the Boca del Taura to the Rio Frio. That is what we agreed and when we were parting, the Manager told me that I had free passage with my armed Guard through El Castillo in case I wanted to carry out any mission in Rio Frio. I will be expecting a response through this mail, as I promised to give him an answer by the 19th.= I would also like to let you know about what happened here during the last days of September:

That an American steamer from the Canal Company, the Millard, arrived, and after saluting the flag, the Captain told me that the sole object of his visit was to request my assistance in capturing an escaped prisoner suspected of being on this beach. He is believed to have robbed and started a fire in Bonfield. Since I denied such request, they begged me to allow them to make another request explaining to me that the day the crime occurred, two individuals had disappeared from Bonfield. One had been captured in San Juan, but he denied having committed the crime, and the other they had received information that he had gone through the sweet water coasts. All they wanted to verify was if the individual who had run away to these coasts, was indeed guilty so as not to harm the other individual who was already under arrest. Since I didn't see any harm, I granted permission as long as they took a guard along to protect the rights of the individual on Costa Rican soil. They took the guard Alberto Vargas whom I gave instructions on the purpose of his mission; upon his return, both he and the steamer's Captain informed me they had reached Tortuguero and that they received communication that the individual had left on a schooner.=

I inform you of all events. Respectfully yours. S.D.

Signature (Illegible)



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CORRESPONDENCIA OFICIAL

Nº 77

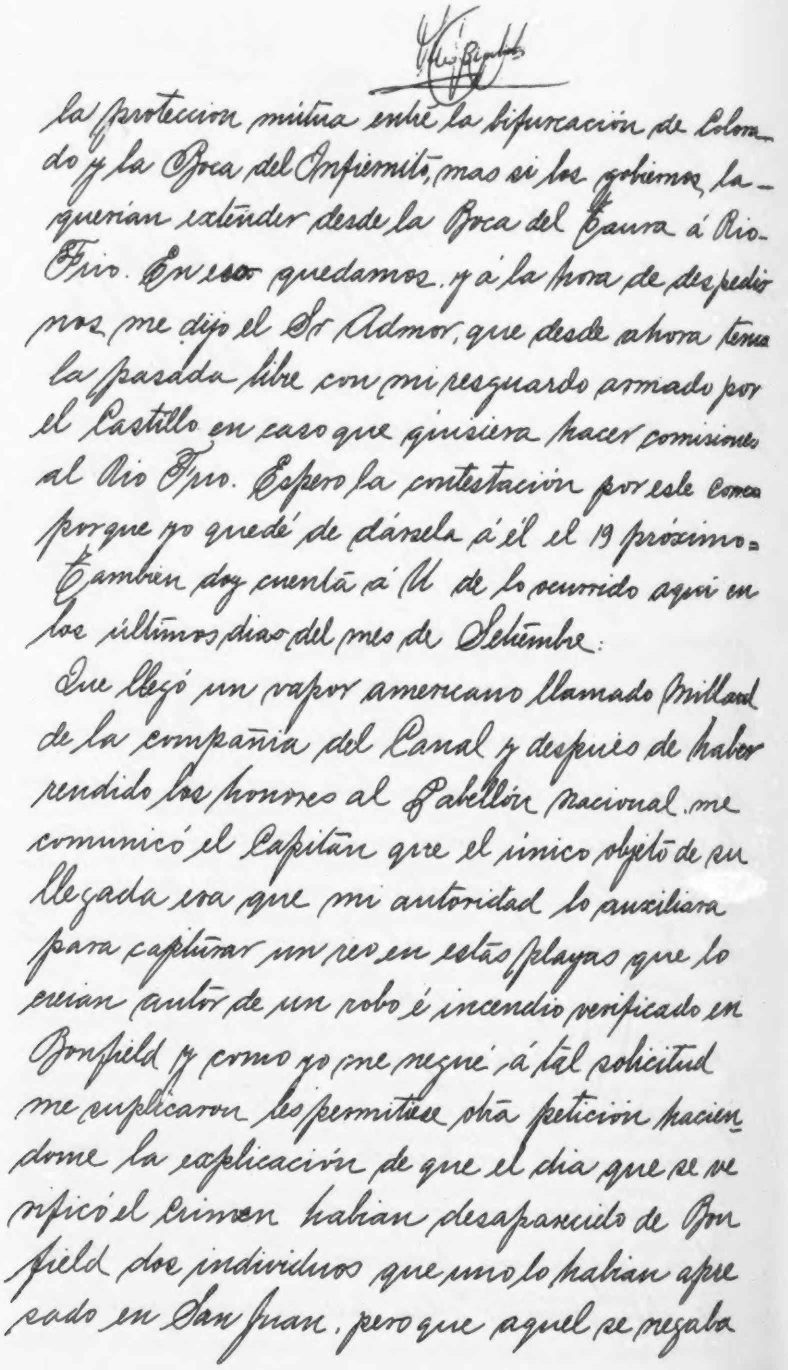
Señor Secretario de Estado
en el Despacho de Hacienda

INSPECCION GENERAL DE HACIENDA

San José Noviembre 8 de 1892.

El Jefe del Resguardo del Colorado, don Juan Francisco Zeledon, en comunicaciones de 31 de Octubre p. pdo, entre otras cosas me dice lo que sigue:

= Debo noticiarle tambien. que hace quince dias se encuentra fuerza armada en San Juan del Norte y navegando en los vapores = Tambien le noticio que la borrasca del mar ha sido tan fuerte que hundió Cabo de Gracias, no salvándose mas que dos personas y una casa; sucumbieron catorce embarcaciones de bela y un vapor con todas sus tripulaciones. = Le noticio que en una conferencia que tuve en el vapor con el Administrador de Aduana de Nicaragua me dijo que él me facultaba para que aprehendiera todo contrabando y todo criminal que se defendiera en las costas, nicaragüenses, que lo hacia autorizado por su gobierno en la condicion de que yo les permitiera la entrada de ellos al Infiernito para capturar los contrabandos que iban para el Castillo y que allí se defendian; que él iba á poner un Resguardo en la bifurcacion de Colorado y en la Costa Nicaragüense para que se protegiera mutuamente en perseguir contrabandistas y criminales, pues este era el único medio de garantir los agricultores honrados y colonos que vienen á tomar posecion á estas costas, que ya que no se podia hacer un tratado de extradicion formal entre las dos Repúblicas, se hiciera esta tolerancia tan ventajosa para ambos paises. Entonces yo le contesté que le iniciaria la proposicion á mi Jefe para que él la comunicara al Gobierno y que segun la contestacion que me habia de llegar por este correo, le contestaria y que si la contestacion era favorable ó aceptando lo que él decia firmariamos ambos un tratado en el Castillo siempre que estuviesemos los dos autorizados por nuestros respectivos Gobiernos. Que el tratado no se debe extender mas que es autorizandonos



la proteccion mútua entre la bifurcación de Colorado y la Boca del Infiernito, mas si los gobiernos la querian extender desde la Boca del Taura á Rio-Frio. En eso quedamos. y á la hora de despedirnos me dijo el Sr Admor, que desde ahora tenía la pasada libre con mi resguardo armado por el Castillo en caso que quisiera hacer comisiones al Rio Frio. Espero la contestación por este Correo porque yo quedé de dársela á él el 19 próximo=

Tambien doy cuentā á U de lo ocurrido aqui en los últimos dias del mes de Setiembre:

Que llegó un vapor americano llamado Millard de la compañia del Canal y despues de haber rendido los honores al Pabellón nacional. me comunicó el Capitan que el único objetō de su llegada era que mi autoridad lo auxiliara para captūrar un reo en estās playas que lo creian autor de un robo é incendio verificado en Bonfield y como yo me negué á tál solicitud me suplicaron les permitiese otrā peticion haciendome la explicación de que el dia que se verificó el Crimen habian desaparecido de Bonfield dos individuos que uno lo habian apresado en San Juan, pero que aquel se negaba haber cometido tal hecho y que el otro habian tenido noticia que se habia encaminado por las costas de agua dulce que lo que deseaban era ver si el individuo que habia huido por estas costas era el actor del crimen para no dañar el otro que estaba preso y no pareciendome nada gravoso este permiso lo concedi exigiendoles que debian llevar un guarda á bordo para que vigilara por las garantias del individuo en territorio costarricense, lo que al efecto se llevaron al guarda Alberto Vargas á quien le di las ordenes del caso y á su vuelta me dió parte él y el Capitan de dicho vapor, que habian llegado hasta Tortuguero y que alli habian recibido que el individuo se habia marchado en una goleta.=

Todo lo cual pongo en su conocimiento suscribiendome su muy respetuoso S.S.

J. V. Golcher

Annex 211

REPORT OF THE CHIEF COMMANDER OF THE POST RÍO COLORADO-COLONIA IRAZÚ TO THE GENERAL INSPECTOR OF THE TREASURY, 31 MARCH 1894

SOURCE : ARCHIVO NACIONAL DE COSTA RICA

TRANSLATION

Report presented by the undersigned Commander to the General Inspector of the Treasury of the operations conducted by the police under his command during the economic year of

1893 to 1894

Taken into Custody

On October 4 of last year, a national rifle in the "Lagunas de Chirripó" to Pedro Hernández.

On the 9th of the same month, all the tools for the exploitation of rubber were confiscated from Hipólito Torres and cronies.

On November 30 of the cited year, in the "Laguna de Pereira", all that was stipulated in the inventory N°1 was taken away from Juan Matute.

On December 3, *ibiden*, in "Caño Pataste" of the San Carlos River, all that has been stipulated in inventory N°2, was confiscated from Guillermo Alvarez' rubber extractors.

On the 9th of the same, in Boca de San Carlos, a boat and nine *quintales* of rubber was confiscated from Nicaraguan rubber extractors.

On the 16th of the same December, in a farm of the "La Tigra" channel, all that has been written down in inventory N°3 was confiscated. We don't know who it belonged to since the owner ran away never to be found.

On January 4 of the present year, five *quintales* of rubber were confiscated from young boy Bernabela Mora in Tortuguero.

On the 22 of the same month, in "Sayman Lagoon", all that has been indicated in Inventory N°4 was confiscated from VV Buesley.

On the 20th of the month ending today, in the Sarapiqui River, which has been detailed in inventory N°5 was confiscated from Policarpo Cortedano.

Remittances from customs taxes

Charged to San Carlos importers for importing merchandise as ordered by the Ministry of Finance	$243.19
Charged to Tortuguero importers for importing merchandise as ordered by the Puerto Limon Administrator	62.61
Charged to Belisario Medina for introducing supplies to (illegible)	6.33
Total sum	$312.13

Constructions

Two houses have been built in the San Carlos and Sarapiqui Rivers, in the points of "Rosalia" and "El Toro" for the guards stationed there; the house in the Mouth of San Carlos is being repaired first and then preparing the materials to build a new one in the Mouth of the Sarapiquí, since the former one is falling apart.-Where the Reventazon and Parismina rivers join, that is, "Dos Bocas", a formal ranch was built to service and lodge Government employees and above all, to safeguard the aforementioned two rivers.-The house belonging to the Government in Tortuguero, where there is a permanent guard [*resguardo*] integrated by two individuals assisted by the Police Agent, has been repaired as much as possible.

Security

The security services offered along the San Carlos, Sarapiqui, Tortuguero, Reventazon, and Parismina Rivers and the Pereira and Palma channels, continues uninterrupted; the less important channels are also safeguarded as long as the other duties allow it.

Public Safety

The patrols that constantly travel along the assigned areas also seek to keep the peace of the people living in the neighbouring areas and protect their rights of possession. Due to that, and even more to the beneficial results derived from the permanence of the Inspector in these areas and his agreements with the authorities of San Juan del Norte, way of life of these inhabitants has changed in a notable way in a short time. They now seek assistance from the authorities to resolve their differences, instead of taking up arms, as they used to, since they know that the crimes they commit will not go unpunished, since they will be captured, regardless of whether they hide in Costa Rican or Nicaraguan territory: that is how in general the people in this area today enjoy a more peaceful life.

Health

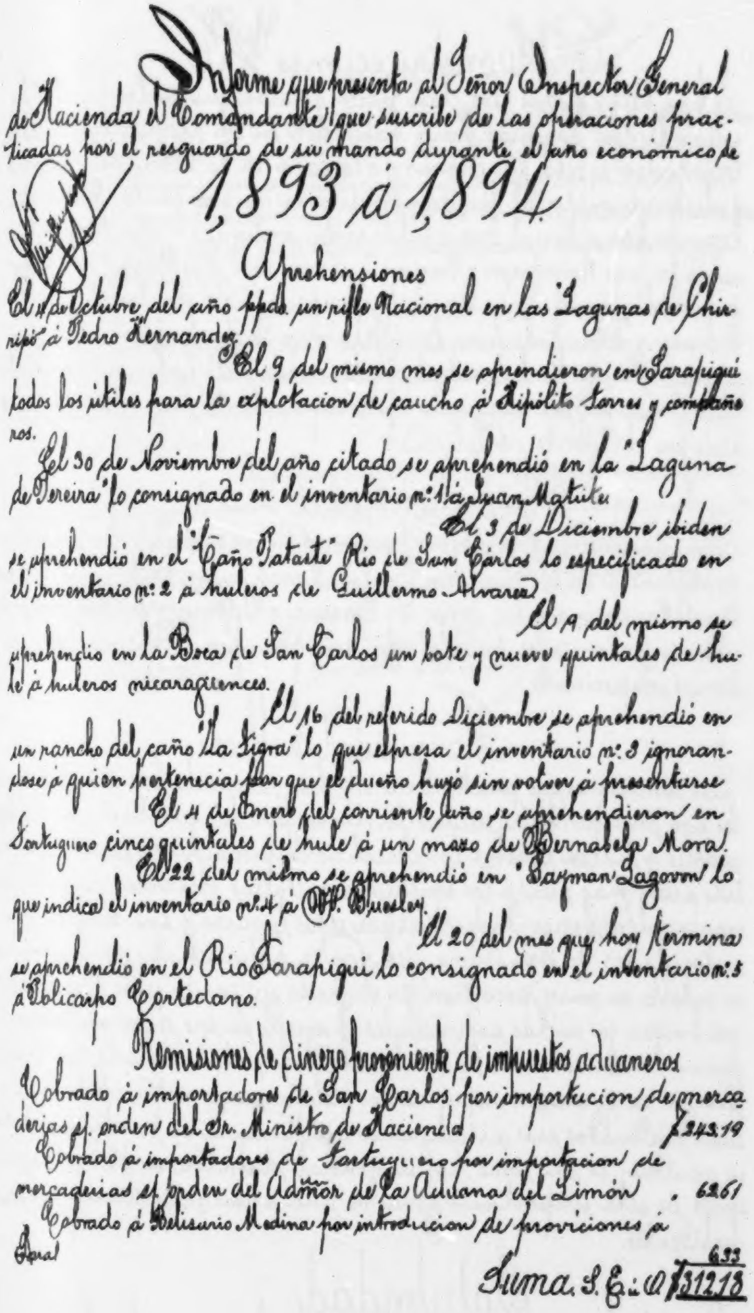
During the economic year ending today, there have been no epidemics in the area since preventive measures have been taken when there is an alert of a disease in a neighbouring community, and because of the obligation to present the health passport that has been imposed on those boats coming in from foreign ports.

I would like to end, Mr. Inspector General, that the plantations of each of the guards [*resguardos*] are kept clean and when revenue service activities allow, they are enlarged, since the more growth that is pushed away, the healthier and benign will be the climate.

I hope that this report, albeit deficient, satisfies your wishes. Very respectfully yours,

Chief Commander.

March 31, 1894
(illegible) Nuñez (signature)



Informe que presenta al Señor Inspector General de Hacienda el Comandante que suscribe de las operaciones practicadas por el resguardo de su mando durante el año económico de

1,893 á 1,894.

Aprehensiones

El 4 de Octubre del año ppdo. un rifle Nacional en las "Lagunas de Chirripó" á Pedro Hernandez.

El 9 del mismo mes se aprendieron en Sarapiquí todos los útiles para la explotacion de caucho á Hipólito Torres y compañeros.

El 30 de Noviembre del año citado se aprehendió en la "Laguna de Pereira" lo consignado en el inventario nº 1 á Juan Matute.

El 3 de Diciembre ibiden se aprehendió en el "Caño Pataste" Rio de San Carlos lo especificado en el inventario nº 2 á huleros de Guillermo Alvarez.

El 4 del mismo se aprehendio en la Boca de San Carlos un bote y nueve quintales de hule á huleros nicaraguences.

El 16 del referido Diciembre se aprehendió en un rancho del caño "La Tigra" lo que expresa el inventario nº 3 ignorandose á quien pertenecia por que el dueño huyó sin volver á presentarse

El 4 de Enero del corriente año se aprehendieron en Tortuguero cinco quintales de hule á un mozo de Bernabela Mora.

El 22 del mismo se aprehendió en "Cayman Lagoon" lo que indica el inventario nº 4 á W. Buesley.

El 20 del mes que hoy termina se aprehendió en el Rio Sarapiquí lo consignado en el inventario nº 5 á Policarpo Cortedano.

Remisiones de dinero proveniente de impuestos aduaneros

Cobrado á importadores de San Carlos por importacion de mercaderías s/. orden del Sr. Ministro de Hacienda	$243.19
Cobrado á importadores de Tortuguero por importacion de mercaderías s/. orden del Admor de la Aduana del Limón	. 62.61
Cobrado á Belisario Medina por introduccion de provisiones á Aral	6.33
Suma. S. E. ú O.	$312.13

Construcciones

Se han hecho en los rios San Carlos y Sarapiqui, en los puntos "Rosalia" y "El Toro" dos casas para habitacion de los resguardos allí estacionados; se está refaccionando la casa en la Boca del primero y alistando materiales para construir una nueva en la Boca del segundo por estar al derrumbarse la antigua.- En la confluencia de los rios Reventazon y Parismina, sea en "Dos Bocas" se hizo un rancho formal para servicio y hospedaje de empleados del Gobierno y sobre todo para la vigilancia de dichos rios.- Se ha reparado lo posible la casa de pertenencia del Gobierno en Tortuguero donde hay un resguardo fijo compuesto de dos individuos [illegible]lido por el Agente de Policía.

Vigilancia

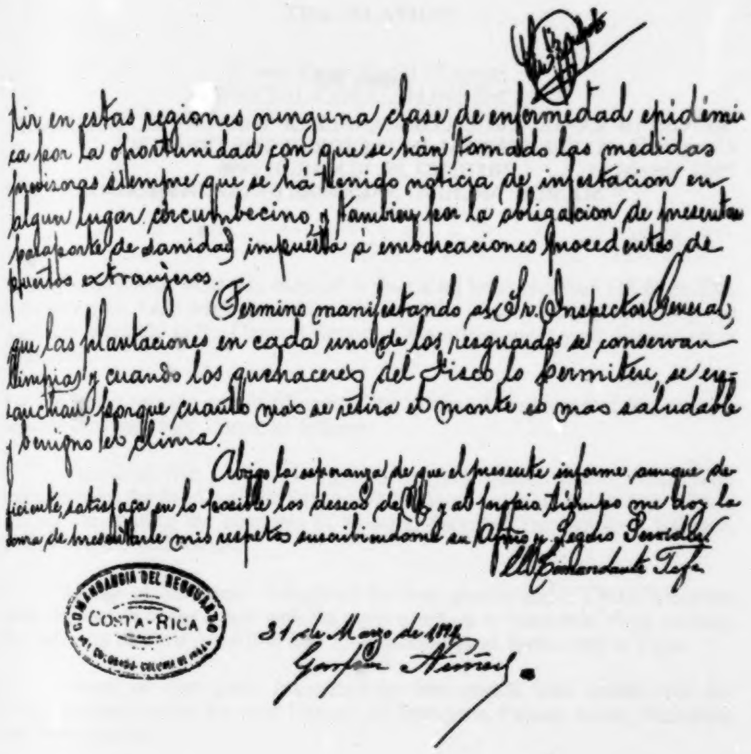
Sin ninguna interrupcion permanecen atendidos los servicios de vigilancia en los rios San Carlos, Sarapiqui, Tortuguero, Reventazon, Parismina y los caños de Pereira y Palma y en los caños de menos importancia se hace la vela siempre que lo permiten las demas ocupaciones.

Tranquilidad pública

Las comisiones que constantemente han recorrido los trayectos que les han correspondido cuidan tambien por la quietud de sus [illegible]padores y hacen respetar los derechos de pocesion de cada uno, debido á eso y mas aun á los benéficos resultados obtenidos con la permanencia del Señor Inspector por estos lugares y sus arreglos con autoridades de San Juan del Norte, há cambiado de una manera notable en muy poco tiempo el modo de ser de estos habitantes que buscan ya en las autoridades el arreglo de sus desavenencias y no en las armas como lo acostumbraban anteriormente, porque saben que ya no quedarán impunes los delitos que cometan puesto que serán capturados, sea nicaragüense ó costarricense el territorio donde se oculten: es así como hoy en general disfrutan en todos los caserios de esta importante zona de una vida mas pacífica sus habitantes.

Salubridad

Durante el año económico que hoy concluye, no se há hecho sen



tir en estas regiones ninguna clase de enfermedad epidémica por la oportunidad con que se hán tomado las medidas previsoras siempre que se há tenido noticia de infestacion en algun lugar circumbecino y tambien por la obligacion de presentar pasaporte de sanidad impuesta à embarcaciones procedentes de puntos extranjeros.

Termino manifestando al Sr. Inspector General, que las plantaciones en cada uno de los resguardos se conservan limpias y cuando los quehaceres del Fisco lo permiten, se ensanchan, porque cuanto mas se retira el monte es mas saludable y benigno el clima.

Abrigo la esperanza de que el presente informe aunque deficiente, satisfaga en lo posible los deseos de Ud. y al propio tiempo me doy la honra de presentarle mis respetos suscribiéndome su Atto y Seguro Servidor

El Comandante Jefe

COMANDANCIA DEL RESGUARDO
COSTA-RICA

31 de Marzo de [illegible]

Annex 212

REPORT OF RAFAEL CRUZ, COMMANDER OF THE POST RÍO COLORADO, TO THE GENERAL INSPECTOR OF THE TREASURY, NOTE NO. 89, 10 MARCH 1895
SOURCE : ARCHIVO NACIONAL DE COSTA RICA

TRANSLATION

[Costa Rican Shield of Arms]
OFFICIAL CORRESPONDENCE

Number 89
10 March, 1895

Dear General Inspector of the Treasury

San José

In conformity with what was ordered in your kind letter Number 113 from 20th February past, I am sending you the report of the fiscal year just finishing, for a greater accuracy in the General Report of the office under your distinguished command.

For the better service and fulfilment of the duties of the Guard of this zone, it was divided into four Corps, as follows:

I. Guard of San Carlos: Integrated by four guards and a Chief, who traverse from the Mouth of the River with the same name up to the dock of San Rafael, penetrating the channels of Rosalía, Patastes, Tres Amigos, Sábalos, Estero Grande and Arenal.

II. Guard of Sarapiquí: Integrated by four guards and a Chief; traverses from the mouth of the River with the same name up to Hacienda Vieja, visiting the channels of Toro Amarillo, San José, Masalla and Sucio, and la Tigra.

III. Guard of Tortugero: Integrated by two guards who watch over the beach and traverse the Bay and Channel of Tortugero, Palacio Jalora, Parismina and Reventazón.

IV. Guard of Barra del Colorado: Main centre of the Guard's operations, is integrated by a Commandant, a Second Chief and five guards; traverses from the Barra del Colorado up to the mouth of the same, penetrating in Caño de Palma, Symon Lagoon, Agua Dulce, Pereira, Chirripó and Lagunas."

As all the main operations are carried out here, all the Guard Posts depend on this last centre, and there are five main divisions of work, as follows:

SEIZURES: In spite of the activity and vigilance displayed by the Guards [*resguardos*], the results have not been very satisfactory, since the small number of guards is not enough to cover even the main points assigned to them. Nevertheless, three boats carrying imported goods from San Juan del Norte, that attempted to go unnoticed by the guards in order to evade the payment of export rights, were seized. Other three boats that were carrying illegally-obtained rubber from the national forests were seized; the corresponding reports were written, the superior authority was informed and those indicted were sent to him.

IMPORT POLICIES: Every month we have sent to the Chief of the National Seal the declaration and value of the import policies, which have always been charged with great irregularity due to the lack of Tariffs. The rights charged in the current year are more than five hundred pesos, and I am totally convinced that these dues have only been charged to hardly the tenth part of the imported merchandise, being this originated in the ease with which the firm vigilance of the Guard is evaded, due to the small quantity of guards, and to the fact that those in charge of collecting the dues usually do not even know how to add.

SUMMARIES: In my work as Police Agent, I have had to write down several legal reports, sending them afterwards to the superior.

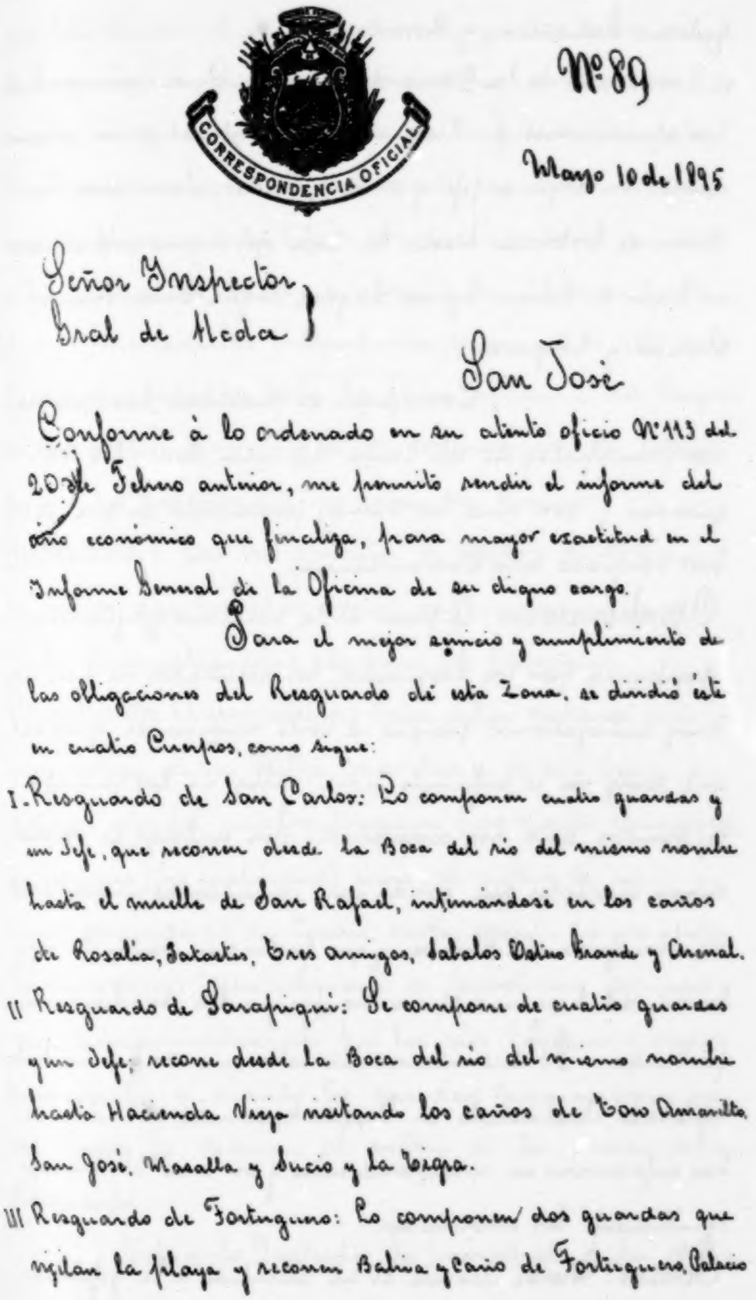
AGRICULTURE RECORDS: In order to avoid disturbances among the farmers of the maritime mile in this area, it was decided to extend a written authorization granting permission (not property) for the cultivation of one to five blocks of land. There are sixty farms of this kind.

COMMISSIONS: Generally, weekly commissions are carried out around the main rivers, lagoons, and main channels, and when the guards stay at the houses they take care of the Guard Post's farm crops.

This is, Mr. Inspector, the main information on the operations carried out during the current fiscal year. I take the liberty of separately including several comments about this report.

I remain with all due respect
your humble servant,

[Signature]
Rafael Cruz



CORRESPONDENCIA OFICIAL

Nº 89

Mayo 10 de 1895

Señor Inspector
Gral de Hcda

San José

Conforme á lo ordenado en su atento oficio Nº 113 del 20 de Febrero anterior, me permito rendir el informe del año económico que finaliza, para mayor exactitud en el Informe General de la Oficina de su digno cargo.

Para el mejor servicio y cumplimiento de las obligaciones del Resguardo de esta Zona, se dividió éste en cuatro Cuerpos, como sigue:

I. Resguardo de San Carlos: Lo componen cuatro guardas y un Jefe, que recorren desde la Boca del rio del mismo nombre hasta el muelle de San Rafael, internándose en los caños de Rosalía, Jalastes, Tres amigos, Sabalos Cedro Grande y Arenal.

II Resguardo de Sarapiquí: Se compone de cuatro guardas y un Jefe; recorre desde la Boca del rio del mismo nombre hasta Hacienda Vieja visitando los caños de Toro Amarillo, San José, Masalla y Sucio y la Tigra.

III Resguardo de Tortuguero: Lo componen dos guardas que vigilan la playa y recorren Bahía y Caño de Tortuguero, Palacio galera, Pacuarina y Reventazón.

IV. Resguardo de la Barra de Colorado. Centro principal de las operaciones de Resguardos, se compone de un comandante, un segundo Jefe y cinco guardas; recorre desde la Barra de Colorado hasta la Boca del mismo internándose en Caño de Palma, Symon Lagoon, Agua Dulce, Penina, Chirripó y Lagunas.

Como aquí se practican las operaciones principales, de este Centro dependen todos los Resguardos y son cinco los ramos principales de que se ha ocupado esta Comandancia:

Aprehensiones: A pesar de la actividad y vigilancia desplegada por los Resguardos, los resultados no han sido muy satisfactorios porque el corto número de guardas que existe no es suficiente para cubrir ni los principales puntos que les corresponde. Sin embargo, se aprehendieron tres botes que conducían mercaderías importadas de San Juan del Norte, Nic. y que pretendían burlar la vigilancia del Resguardo para no pagar los derechos de importación. Se decomisaron tres botes que conducían hule explotado ilícitamente en bosques nacionales; se levantaron las informaciones correspondientes y se avisó al Superior remitiéndole los indiciados.

Pólizas: Mensualmente se ha remitido á la Jefatura del Sello Nacional el conocimiento y valor de las pólizas de importación, las que se han cobrado siempre con mucha irregularidad á causa de la falta de Aranceles. Los derechos cobrados en el presente año pasan de quinientos pesos y tengo pleno convencimiento de que solo se ha cobrado este derecho si acaso á la décima parte de las mercaderías importadas, proviniendo estó de la facilidad con que se burla la firme vigilancia del Resguardo, por su poco número, y de que los encargados de colectár los derechos generalmente no saben ni sumar.

Sumarias. En mi carácter de Agente de Policía, he tenido que levantar varias informaciones judiciales, trasmitiéndolas después al Superior.

Registro de Agricultura: Para evitár disturbios entre los agricultores de la milla marítima de está Zona, se dispuso extender una autorización por escritó concediendo permiso (no propiedad) para el cultivo de una á cinco manzanas de terreno: existen sesenta fincas de estás.

Comisiones: generalmente se practican comisiones semanalmente por los ríos, lagunas y caños principales y cuando los guardas permanecen en las casas, se dedican al cultivo de la finca del Resguardo.

Estó es, Sr. Inspector, lo principal de las operaciones practicadas durante el presente año económico omitiendome por separado hacer varias indicaciones sobre este informe.

Soy con todo respeto su
atto. Sr.
Rafael Cruz

Annex 213

REPORT OF THE NAVY INSPECTOR E. G. CHAMBERLAIN
TO THE SECRETARY OF STATE TO THE WAR AND NAVY OFFICES, 1897

SOURCE: MEMORIA DE GUERRA Y MARINA CORRESPONDIENTE
AL AÑO ECONÓMICO DE 1897-1898
(SAN JOSÉ: TIPOGRAFÍA NACIONAL, 1898), PP. 195-196

TRANSLATION

Secretary of State to the
War and Navy offices

Dear Minister:

In fulfilment of my duty I am honoured to present you with the report regarding the condition of the national steamships under my inspection.

I shall begin with the *Poas* which, although it is the most recently acquired, heads the Government steamships due to its convenience as transportation for war; it has *Compound* engines, inverted cylinders that are in good condition; there are 2 cauldrons with 4 furnaces, for the propellant engine, and another independent one for the hoist engines; both this cauldron, and the former have been in use for only 6 years and are in good condition. Two rapid range U.S. orderly Drigg system cannons have been put into place in this steamship, 1 weighing 6 pounds and the other 1 pound.

This steamship can comfortably transport 800 troops and their equipment, as it practically has been of late, and is used for deep-sea crossings, as was the case under its intelligent Captain's orders when it travelled direct from Valparaiso to Puntarenas in 12 days.

The new cauldron which had been ordered for it was set in place in the *Turrialba* steamship; the rudder was changed for a new steel one, in addition to 2 freshwater tanks of 800 gallon capacity each; and several other repairs were carried out and a boat was purchased for the same. This steamship has two *Nordenfelt* machine guns and one 1 pound cannon.

This steamship makes regular trips from Puntarenas to Culebra under the command of the ship's Lieutenant, Captain Salas.

The small steamships under the care of the engineer Mr. Luis Matamoros, are the *Doctor Castro*, the *Puntarenas* and the *General Fernandez*.

The *Puntarenas* has been equipped with a new cauldron, in addition to several new engine parts, and has undergone general maintenance; this has been covered by the Supreme Government.

The small steamships are in perfect condition, and have provided excellent service – this can be confirmed by the Minister – in transporting troops, and under the direct command of the serving officer Mr. Agustin Guido.

It would be advisable, in my opinion, to request a new cauldron in advance for the *General Fernandez*.

The newly acquired *Chirripo* steamship was taken to Colon in order to check its hull, and clean and paint it in the Canal Company's dike; the result of the inspection was that it was declared in good condition, apart from a sheet in the flotation line to which a patch was applied. It has been equipped with a rapid range cannon. This steamship will provided good services from Talamanca to San Juan del Norte with correspondence and passengers, under the command of Captain Chivi, who is very familiar with these shorelines.

A new cauldron, with its pipes and other parts, has been requested, from the company that built it, for the small *Nicoya* steamship, and it will be put in place as soon as it reaches Limon, and this steamship will undertake the patrol and post service up to Barra del Colorado.

I take this opportunity to inform you, Minister, that for the best service in Puntarenas two small steamships like the *Doctor Castro* are required but with more *fentoque* and less draught, with *Compound* engines and freshwater tanks, sufficient for its radius in the Gulf; in addition, for service in the Atlantic, to a 150-tonne steamship with only four feet of draught in order that it may pass through the mouths of the different rivers along that coast.

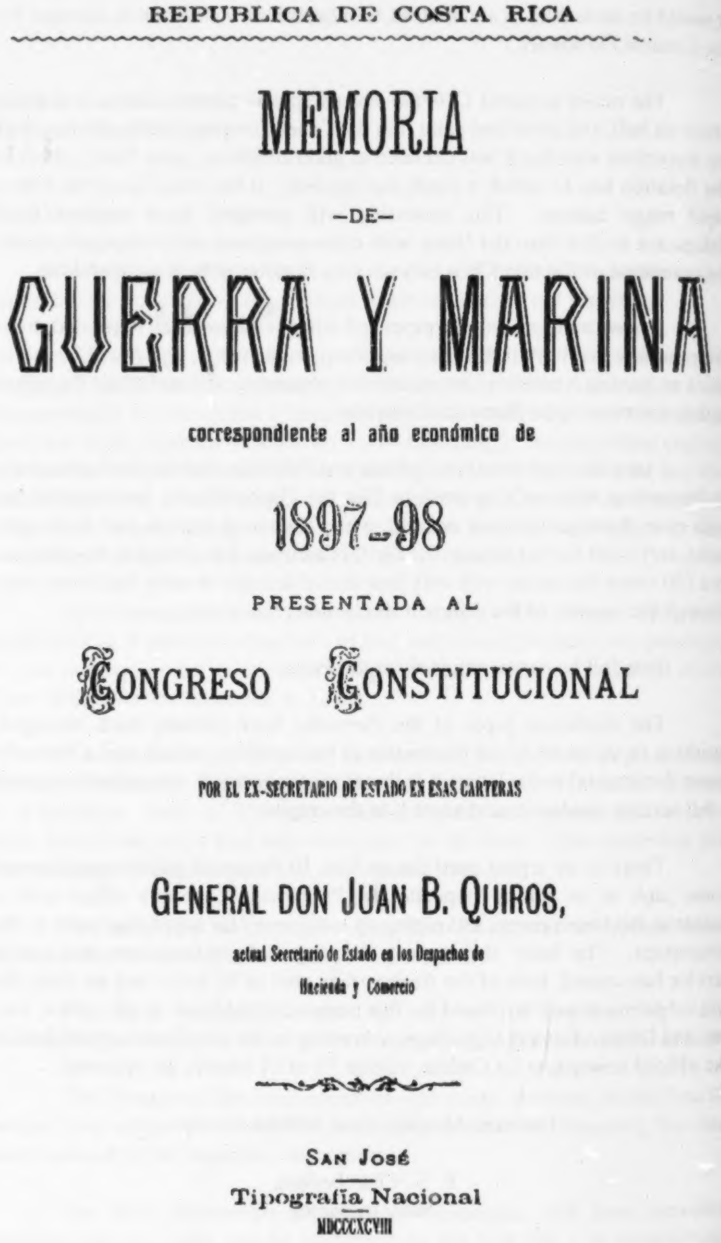
Two full boats are required for the *Poas*.

The condenser pipes of the *Turrialba* have recently been damaged, resulting in the need to use freshwater in the cauldron, which will eventually prove detrimental to the latter; it is therefore necessary to immediately request a full surface condenser and adapt it to the engine.

There is an urgent need for an 8 to 10 thousand gallon capacity iron water tank to be placed opposite the Puntarenas Custom's office with a cauldron and steam pump, and piping up to the quay for supplying water to the steamships. The latter also require cleaning and painting, now that urgent service has ceased, both of the freeboard as well as its hulls, and an order for special paints should be placed for this purpose; in addition to oil, tallow, tow, etc. and lamps. Equally, sign flags, according to the Regulations published in the official newspaper La Gaceta, edition 75 of 31 March, are required.

I remain, Minister, your faithful servant,

E. G. Chamberlain,
Navy Inspector



REPUBLICA DE COSTA RICA

MEMORIA

—DE—

GUERRA Y MARINA

correspondiente al año económico de

1897–98

PRESENTADA AL

CONGRESO CONSTITUCIONAL

POR EL EX-SECRETARIO DE ESTADO EN ESAS CARTERAS

GENERAL DON JUAN B. QUIROS,

actual Secretario de Estado en los Despachos de
Hacienda y Comercio

San José
Tipografía Nacional
MDCCCXCVIII

Señor Secretario de Estado en los despachos de Guerra y Marina

SEÑOR MINISTRO:

En cumplimiento de mi deber, tengo el honor de rendir á V. el informe que corresponde al estado de los vapores nacionales, que están bajo mi inspección.

Principiaré por el *Poás* que aunque es el último adquirido, está á la cabeza de los vapores del Gobierno, por su comodidad como transporte de guerra; sus máquinas son *Compound*, cilindros invertidos que se encuentran en buen estado; las calderas son 2 grandes con 4 hornos, para la máquina propulsora, y otra independiente para las máquinas de las cabrias; tanto esta caldera, como las anteriores, tienen apenas 6 años de uso y están en buen estado. En este vapor se han colocado 2 cañones de tiro rápido, del sistema Drigg de la Ordenanza de los Estados Unidos, 1 de 6 libras y otro de 1 libra.

Este vapor puede transportar cómodamente 800 hombres de tropa y sus equipos, como prácticamente lo ha hecho últimamente, y es de travesía de alta mar, como la hizo bajo las órdenes de su inteligente Capitán en 12 días, de Valparaíso á Puntarenas directamente.

En el vapor *Turrialba* se colocó la caldera nueva que se había pedido para el; se le cambió el timón por uno nuevo de acero; además 2 estanques de 800 gls. cada uno para agua dulce; y se le hicieron varias otras reparaciones y se compró un bote para el mismo. Tiene este vapor dos ametralladoras *Nordenfelt* y 1 cañón de 1 libra.

Este vapor hace viajes con regularidad de Puntarenas á Culebra al mando del Teniente de Navío, Capitán Salas.

Los vapores pequeños que están al cuidado del señor Ingeniero don Luis Matamoros, son el *Doctor Castro*, *Puntarenas* y *General Fernándes*.

Al *Puntarenas* se le ha puesto una caldera nueva, lo mismo que varias piezas nuevas á la máquina, y se le ha hecho reparación general; esto ha sido por cuenta del Supremo Gobierno.

Los vaporcitos están en perfecto buen estado, y han prestado gran servicio,–como le consta al señor Ministro–en el transporte de tropas, y bajo la dirección inmediata del activo don Agustín Guido. Creo conveniente se pidiera con tiempo una caldera nueva para el *General Fernándes*.

El vapor *Chirripó*, comprado últimamente, se llevó á Colón con el fin de examinar su casco, limpiarlo y pintarlo en el dique de la Compañía del Canal; resultó del examen estar en buen estado, con excepción de una plancha en la línea de flotación, donde se le puso un parche. Se le ha colocado un cañón de tiro rápido. Este vapor prestará buenos servicios desde Talamanca hasta San Juan del Norte, con correspondencia y pasajeros, al mando del Capitán Chivi, muy conocedor de esas costas.

Para el vaporcito *Nicoya* se ha pedido á la casa constructora del mismo, una caldera nueva con sus tubos y demás útiles, y será colocada tan pronto llegue á Limón, poniendo á este vapor al servicio de resguardo y correo hasta adentro de la Barra del Colorado.

Me permito indicar al señor Ministro que para el mejor servicio en Puntarenas, deberían tenerse dos vaporcitos iguales al *Doctor Castro*, pero con más fentoque y menos calado, con máquinas *Compound* y estanques para agua dulce, suficiente para su radio en el Golfo; como también para servicio en el Atlántico, un vapor de 150 toneladas y solamente 4 pies de calado, para que pueda pasar las barras de los diferentes ríos en esa costa.

Para el *Poás* son necesarios 2 botes completos, El *Turrialba* ha sufrido últimamente averías en los tubos del condensador, obligando con esto á usar agua salada en la caldera, lo que resultará en detrimento para ésta; se hace por lo tanto indispensable pedir inmediatamente un condensador de superficie completo y adoptarlo á la máquina.

Es de mucha urgencia colocar enfrente á la Aduana de Puntarenas un estanque de hierro de 8 á 10 mil galones de agua, caldera y bomba de vapor, y cañería hasta la punta del muelle, para dar agua á los vapores. También hay que limpiar y pintar los vapores, ahora que ha cesado el servicio urgente, tanto la obra muerta como sus cascos, y para ello se hace necesario hacer un pedido de pinturas especiales; también aceite, sebo, estopa, etc. y lámparas. Igualmente banderas de señales, según el Reglamento publicado en *La Gaceta* oficial número 75 de 31 de marzo último.

Soy del señor Ministro muy atto. y seguro servidor,

E. G. Chamberlain,
Inspector de Marina

Annex 214

REPORT OF JOSÉ SOLÓRZANO TO THE GENERAL INSPECTOR OF THE TREASURY, 16 MARCH 1906

SOURCE: ARCHIVO NACIONAL DE COSTA RICA, PP. 33-41

TRANSLATION

Official Seal

Number 47
16 March, 1906

Mr. General Inspector of the Treasury San José

Sir,

In compliance with your orders given in your kind letter number 389 of March 5th, I am honoured to inform you about the work carried out by the guard post under my command during the year that ends on the 31st of the current month.

Having taken charge of this position just on the 10th of last month, it is natural that this report may suffer from some logical limitations, which I have tried to overcome by doing my best and with the few data I have been able to obtain from the records kept at this office; books that, as the note copier, either by carelessness or negligence, these shed no light at all about the work done during whole months, as there are not copies of the notes and monthly reports sent to your honourable office. Such lack of care means not even having kept records of the service lists corresponding to the fiscal year that is ending, and what happens to the book I have been referring to happens to all of the other books that are kept in this centre.

Having made this point clear, I start:

The guard posts under my command are divided in three sections located as follows:

At *Barra de Colorado*, with a Sub-inspector, six guards under contract and two on probation.

At *La Vela*, composed by a Corporal and two guards, and

At *Boca del Colorado*, with a Corporal, three guards under contract and one on probation.

I

Barra de Colorado.- This guard post is under my direct vigilance, and it is located on the left bank of the confluence of the *Agua Dulce* Lagoon with the *Colorado* river, and here we watch over those vessels that may come and go through the Barra, as well as those that navigate along the whole lagoon and the lagoon's arms.-

During the summer, all the water from the San Juan River follows the course of the Colorado, left almost completely dry the first, from its mouth to Greytown, there being no passage, even for light vessels, the forced way for imports and exports of Nicaragua by the Atlantic, is the Colorado River, and the place where this guard post is located becomes the obligatory port for steamboats in transit that go from The Castle to San Juan del Norte and Bluefields with cargo, passengers and mail. That is how this guard post is, almost daily, in communication with passengers from our neighboring Republic in the north, this guard post is up to date to what happens there and we can easily provide any reports that may be useful to the Supreme Government through your honourable office: for example, last year on May 27th we timely reported that the sea had destroyed the marker stone that signals the border with Nicaragua, and the Government was then able to immediately send a work team to repair the damage.

By the letter Number 151 of last September 5th, it was forbidden the purchasing of groceries in San Juan del Norte and it was made compulsory to purchase them in Limon Port, to be sent by means of the National Sloop to the *Barra*, but afterwards, and due to the difficulties posed by this way of transport, it was permitted to obtain the groceries from San Juan.

During the first fortnight of last October, and by superior orders, the Guard Post house was demolished, as the river had got to only three months from the premises, and there was concern about the river subsequently eroding the house's bases and dragging it to its current, which would have caused the loss of the roof's corrugated zinc sheets and the wood, which were still in good condition and could still be used.

When I arrived at this Post, the guards were lodging in improvised, poorly built huts; and the wood from the demolished house was lying around without anybody taking any advantage of it. I then proceeded to build a campsite, choosing the pieces of wood and zinc sheets that were in the best condition. This campsite, even if it was also improvised, provides some comfort to live while the new house is built, and it may be used later on to lodge any support personnel needed to be sent here.

Since last August, and by superior order, the former sub-inspector, Mr. Ortuño, purchased in San Juan del Norte- as informed to you by letter No. 20 of 27 September- the necessary wood to build the new house, and in the following month the said Sir was informed that it was ready and he may take the necessary steps to have it sent to the *Barra*, which has not been carried out yet, I don't know if by order of that Superior office. In this regard, I take the liberty of respectfully calling the attention of the Inspector about the convenience of proceeding to build the house, taking advantage of these months of summer, before the strong rains start and hinder the construction work.

The *Caño* Pereira has not been blocked yet, as you ordered in your letter number 280 from December 12th, because the water level is so low that not even the smallest boat can enter. Here also I take the liberty of calling the Inspector's attention to the following facts: in 1890, when the General Inspector of the Treasury was Mr. V.J. Golcher, said *Caño* was ordered to be closed down and to that effect, 30 or 40 big trees were thrown on it; four years later the Supreme Government ordered to open it again, and in June 1896 and 1897 [sic] the engineer Mr. Luis Matamoros, who was part of the Commission for Limits with Nicaragua, sent two saws to cut down those trees that blocked the free navigation on said *Caño*, pointing out that since the guard post at *La Vela* is at such a good point for vigilance, it was a pity that *Pereira* remained almost not navigable, as it is a *Caño* that could be of great use for this area.

The records do not provide any information on commissions or arrests that may have taken place during the fiscal year that is ending. Although in your letter number 342 of last January 23rd you ordered to undertake trips to *La Florida*, it has not been possible to carry out this order because, besides of there not being any boat that can be used for this kind of duties, as all of them are cracked and are in a terrible state, and I do not have materials to repair them, at this Post I only have two useful rifles, since I sent the other rifles by the *Gasolina Nacional* boat to have them repaired. Moreover, here we always have two or three vacant posts, and since I would need to keep three guards here at least, I would need a full staff in order to leave here at least five men, so I could go myself with the rest to overview The Florida and its lagoons and navigable portions.

The movement of passengers going to Limón, or to the railroad, looking for a job, has been of 54, and of 8 that from those points have returned to Nicaragua, since October 18th, when keeping a record was ordered, until today.

The movement of importation has been completely null, since the neighbors of that area get in Limon the merchandises cheaper than in San Juan del Norte, they prefer to carry out their shopping in that port.

When I received this guard post I found the farm in the most pitiful abandonment: there were practically no crops, and instead of the splendid farm land I was told once existed, today only a tall and deep bush can be seen. Even the dock, the bathroom, and the toilet had been invaded by vegetation over one meter tall, to the point where one could not even figure out where the wide path that used to go through the farm land was. I immediately proceeded to cut down the excessive vegetation at the most necessary part, but what can I do with a poor knife, which is the only farming tool we have here? I am totally willing to clean the area and plant again the farm land, but I need knives, *machetes*, and shovels, as there is nothing with which to work, and the same negligence affects everything else at this guard post, as we don't even have a lamp for our duties. On October 25th,1904, the former sub-inspector Mr. Ortuño wrote: "It is noticeable how absolutely everything that has been recorded, except which is manifestly new, is in the most ruinous state due to the wearing out, deterioration, or any other cause, to the point that it is bound to its destruction". If this gentleman expressed this point of view such a long time ago, imagine, Mr. Inspector, the state in which this same supplies and furniture almost ruined then and almost totally useless now, might be. Hence I am separately sending you a list of the most necessary items, so that, if you think it convenient, you may kindly send them to this guard post.

As on 24th February I sent to your office, in letter number 43, the inventory of everything there is at this guard post, it seems to me unnecessary to send it again as it would be the same as then, and it gives a clear idea of the needs to fulfill in this centre. I must remind you, Sir, that some items mentioned such as rifles, knives, and lamps are implements used at the guard posts of *Las Vela* and *Boca del Colorado*.

On 6th December, the schooner called Dido was lost near the San Juan River's *Barra* with no loss of human lives. A few days later at the *Colorado* the gasoline boat called *Florencia* was lost, and two crew members and three passengers drowned. Recently, the sea has been bringing wood planks from a sunken ship, and on a piece from the prow the name David can be read. This means it was the ship that was lost in front of San Andrés Island, which had been appointed by the Costa Rican Government to bring materials for the railroad to the Pacific coast.

The number of official letters made during the year that is ending starts at 7 and ends at 47, which means a total of 40.

II

La Vela.- This Guard Post is located on the left bank of the *Colorado River*, in front of the mouth of the *Simón Laguna*. It is administrated by a Corporal and two guards, who work in shifts during day and night to watch over the vessels coming from San Juan del Norte or Tortuguero and Parismina, which forcefully have to pass in front of the Guard Post. They watch over an extension of about ten miles, and they perform commissions to the places *Caño Pereira, De Palma* and the neighboring lagoons. Due to its location is the most useful Post as it dominates the way that must be used by the evaders of the fiscal laws. The premises consist of a house-ranch made with square wood panels and second-hand wooden boards, and it is in a state of ruin. It is almost certain to become totally useless when the rainy season arrive, which motivates me to respectfully send this kind warning to the attention of the Inspector.

III.- Boca de Colorado

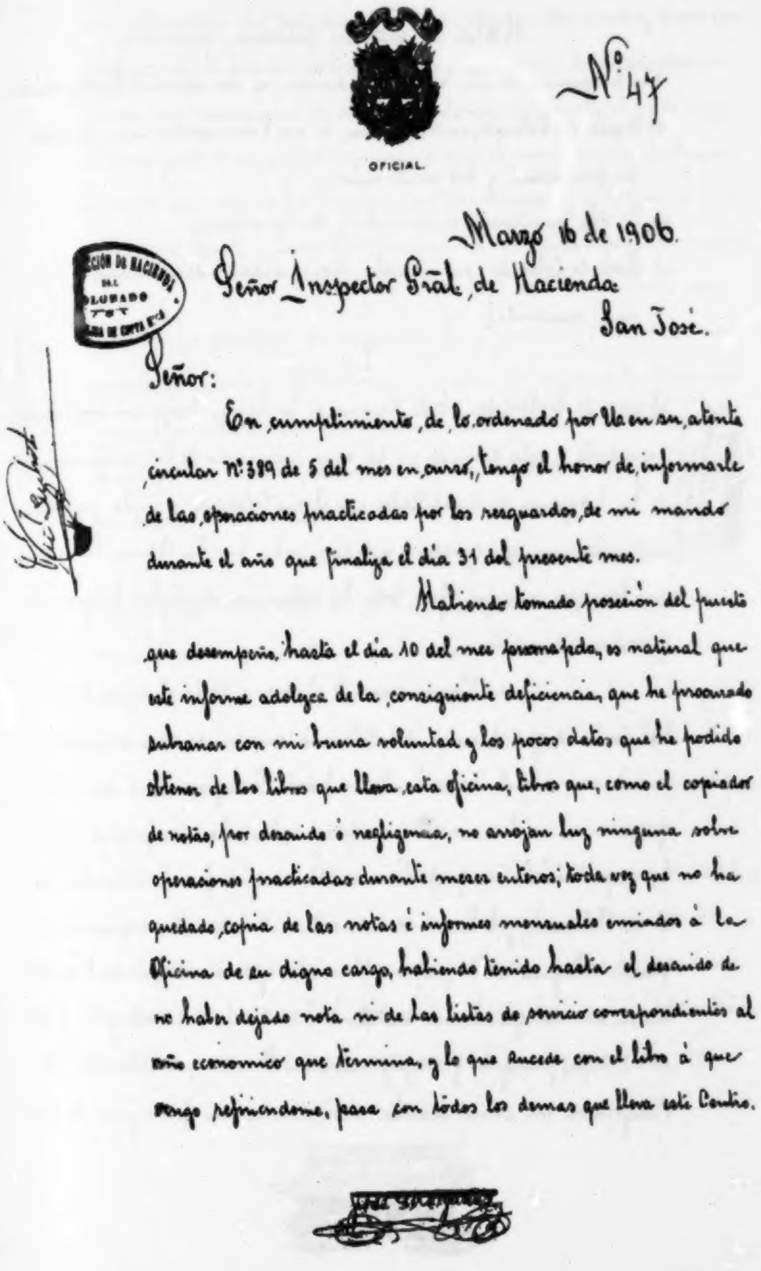
This Guard post, as its name indicates, is located in the bifurcation of the San Juan River with the Colorado, and is managed by a Corporal and four guards. As the *Caño Pereira*'s waters are now very low, all the vessels going to or coming from San Juan del Norte have to go through this river's mouth. By means of a strict daily vigilance, it is, if not impossible, at least very difficult for any vessel to evade the corresponding registering. The Post's range of action includes the area from the river's mouth, *Caño Bravo, Caño Madre,* and the many navigable *caños* and lagoons whose waters run into the Colorado. This guard post sometimes meets with the guard post from the previous one when they have a commission to oversee the large network of lagoons that are spread on both sides of the river. –The ranch, totally made useless by old age and the strong winds from the river, is being repaired with the wood planks and zinc sheets of lesser quality from the house demolished at *Barra*, while the superior office sends orders to build, at that place as well as at *La Vela*, the houses that necessarily must be built there sooner or later.

IV.-

I do believe, Mr. Inspector that I have thus carried out your orders. Hoping you will benevolently excuse the deficiencies you may notice in this report, I give you my best regards,

Your faithful servant,

José Solórzano S (signature)



OFICIAL.

Nº 47

Marzo 16 de 1906.

CIÓN DE HACIENDA
DEL
OLORADO
DE COSTA R.CA

Señor Inspector Gral. de Hacienda
San José.

Señor:

En cumplimiento de lo ordenado por Ud. en su atenta circular Nº 389 de 5 del mes en curso, tengo el honor de informarle de las operaciones practicadas por los resguardos de mi mando durante el año que finaliza el día 31 del presente mes.

Habiendo tomado posesión del puesto que desempeño hasta el día 10 del mes próximo pdo., es natural que este informe adolezca de la consiguiente deficiencia, que he procurado subsanar con mi buena voluntad y los pocos datos que he podido obtener de los libros que lleva esta oficina, libros que, como el copiador de notas, por descuido ó negligencia, no arrojan luz ninguna sobre operaciones practicadas durante meses enteros; toda vez que no ha quedado copia de las notas i informes mensuales enviados á la Oficina de su digno cargo, habiendo tenido hasta el descuido de no haber dejado nota ni de las listas de servicio correspondientes al año economico que termina, y lo que sucede con el libro á que vengo refiriendome, pasa con tódos los demas que lleva este Centro.

Hecha la anterior salvedad, principio:

Los resguardos de mi mando se dividen en tres secciones localizadas así:

a) Barra de Colorado, con la dotación de un Subinspector, seis guardas en propiedad y dos accidentales:

b) La Vela, compuesto de un cabo y dos guardas y

c) Boca de Colorado con un cabo, tres guardas presupuestados y uno accidental.

I.-

Barra de Colorado.- Este resguardo lo tengo bajo mi vijilancia inmediata y está situado en la vega izquierda de la confluencia de la Laguna de Agua Dulce con el río Colorado y vijila aquellas embarcaciones que puedan entrar ó salir por La Barra, lo mismo que las que navegan por toda la extensión de dicha Laguna y caños adyacentes.-

Como durante el verano toda el agua del río San Juan sigue el curso del Colorado quedando casi completamente seco aquel, desde la Boca hasta Greytown, no dando paso ni á embarcaciones de poco calado, la vía forzosa para la exportación i importación de Nicaragua por el Atlántico, es el río Colorado, y el lugar donde está situado este resguardo el puerto obligado de los vapores fluviales y de mar que en tránsito hacen su navegación del Castillo á San Juan del Norte y Bluefields, con carga, pasajeros y correspondencia. Así es que estando este Resguardo en comunicación casi diaria con pasajeros de la vecina República del Norte, está al tanto de lo que en ella sucede y puede con facilidad dar al Supremo Gobierno por el digno medio de Ud. aquellos informes que puedan ser de alguna utilidad: así, por ej., el 27 de Mayo del año ppdo. se avisó oportunamente que el mar había destruido el mojón que señala los límites con Nicaragua y el Gobierno pudo inmediatamente enviar una comisión á remediar el perjuicio causado

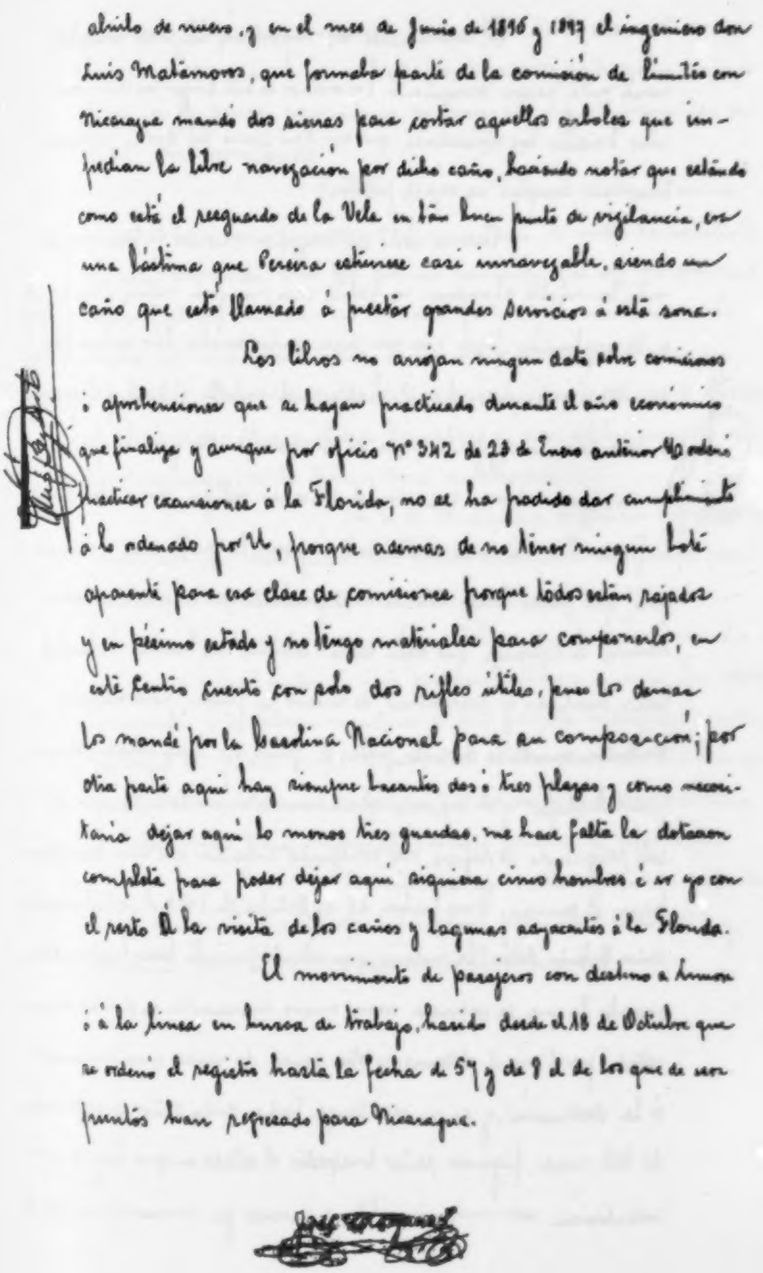
Por oficio Nº 151 de 5 de Stbre. anterior se prohibió la compra de víveres en San Juan del Norte, ordenando que esta se hiciera en P. Limón y enviarla por medio de la Balandra Nacional á esta Barra, pero posteriormente y en vista de las dificultades que su acarreo presentaba se permitió de nuevo traer las provisiones de San Juan.

En la primera quincena del mes de Octubre pasado y por orden superior se demolió la casa del Resguardo porque el río en su continuo avance hácia tierra distaba solo tres metros del edificio y se temió con justo motivo que en las subsiguientes avenidas minara mas el terreno y lo arrastrara á su lecho, lo que hubiera causado la pérdida del zinc y la madera que estándo en regular estado se podría utilizar.

Cuando llegué á este Centro los guardas estaban alojados en malos ranchos, improvisados y la madera de la casa destruida abandonada aquí y allá sin haber procurado aprovecharla para nada: procedí inmediatamente á la construcción de un campamento, escojiendo el zinc y madera queestuviesen en mejor estado, campamento que, aunque es también improvisado, presta alguna comodidad para habitarlo mientras se procede á la construcción de la nueva casa y que puede servir mas adelante para alojar algun refuerzo que en caso dado sea necesario enviar á este lugar.

Desde el mes de agosto del año pasado y por orden superior el exsubinspector Sr. Ortuño contrató en San Juan del Norte-según informó á Ud en oficio nº 20 de 27 de Setiembre- la madera necesaria para la nueva casa y en el mes siguiente le avisaron á dicho Sr. que ya estaba lista y podía hacer las diligencias necesarias para su traslado á esta Barra, lo que aun no se ha hecho, no se si por disposición de esa Superioridad. A este respecto me permito llamar respetuosamente la atención del señor Inspector sobre la conveniencia de proceder á la construcción de la casa para aprovechar estos meses de verano, antes que las fuertes lluvias y temporales se desaten y atrasen los trabajos de construcción

El caño de Pereira no se ha obstruido todavía según lo ordenado por Ud en oficio Nº 280 de 12 de Dbre. anterior, porque está muy seco y no permite entrada al mas pequeño bote. Aquí también me permito llamar muy respetuosamente la atención del señor Inspector sobre los hechos siguientes: en 1890 estando de Inspector Gral. de Hcda. don V. J. Gölcher, se mandó cerrar dicho caño y al efecto se botaron sobre él 30 á 40 grandes arboles; cuatro años mas tarde el Supremo Gobierno mandó



abrirlo de nuevo, y en el mes de Junio de 1896 y 1897 el ingeniero don Luis Matamoros, que formaba parte de la comisión de límites con Nicaragua mandó dos sierras para cortar aquellos arboles que impedian la libre navegación por dicho caño, haciendo notar que estando como está el resguardo de la Vela en tán buen punto de vigilancia, es una lástima que Pereira estuviese casi innavegable, siendo un caño que está llamado á prestar grandes servicios á esta zona.

Los libros no arrojan ningun dato sobre comisiones ó aprehensiones que se hayan practicado durante el año económico que finaliza y aunque por oficio Nº 342 de 23 de Enero anterior Ud ordenó practicar excursiones á la Florida, no se ha podido dar cumplimiento á lo ordenado por Ud, porque ademas de no tener ningun boté aparente para esa clase de comisiones porque tódos están rajados y en pésimo estado y no tengo materiales para componerlos, en esté sentido cuento con solo dos rifles útiles, pues los demas los mandé por la Gasolina Nacional para su composición; por otra parte aquí hay siempre vacantes dos ó tres plazas y como necesitaria dejar aquí lo menos tres guardas, me hace falta la dotacion completa para poder dejar aquí siquiera cinco hombres é ir yo con el resto á la visita de los caños y lagunas adyacentes á la Florida.

El movimiento de pasajeros con destino a Limon ó á la linea en busca de trabajo, ha sido desde el 18 de Octubre que se ordenó el registro hasta la fecha de 57 y de 8 el de los que de esos puntos han regresado para Nicaragua.

El movimiento de importación ha sido completamente nulo porque consiguiendo los vecinos de este lugar en Limón mas baratas las mercaderías que en San Juan del Norte, prefieren hacer sus compras en aquel puerto.

Cuando recibí este resguardo encontré la finca en el mas lamentable abandono: no habia casi ningun cultivo y en vez de la espléndida finca que me dicen antes existía, hoy solo se ve un alto i intrincado charral: hasta en el muelle, el baño y el excusado se levantaba la vegetación mas de un metro de alto y no se podía ni averiguar donde quedaba el espacioso callejón que antes cruzaba la finca. Procedí inmediatamente á asear la parte mas necesaria pero ¿ que puedo hacer con un mal cuchillo que es la única herramienta de labranza que aquí existe? Abundo en buena voluntad para limpiar y resembrar de nuevo la finca, pero necesito cuchillos, machetes de suelo, palas &., pues no hay nada conque poder trabajar y el mismo abandono abarca todo lo que á este resguardo se refiere, no contando siquiera con una lámpara para el servicio. Con fecha 25 de Octubre de 1904 el exsubinspector señor Ortuño decía: "Es notorio que absolutamente todo lo apuntado, excepto lo que se expresa como nuevo, se encuentra en el mas ruinoso estado, por el uso, el deterioro ú otra causa, de modo que camina á la destrucción", y si en esa larga fecha dicho señor se expresaba de tal modo, figúrese señor Inspector el estado en que hoy se encontrarán esos mismos útiles y enseres ya ruinosos en aquel entónces y hoy casi completamente inútiles. Por lo expuesto señor, me permito enviarle una lista por separado de lo mas necesario para, si le parece conveniente, se sirva dotar á este resguardo de lo en ella especificado.

Como el 24 de Febrero anterior envié á ese Centro con oficio Nº 43 el inventario de todo lo existente en este Resguardo, creo por demás remitirlo otra vez porque sería copia fiel del enviado en aquella fecha, y el cual, con solo leerlo da una clara idea de las necesidades por llenar en este Centro. Debo recordarle, señor, que algunas partidas marcadas en él, como rifles, cuchillos, lámparas &, son útiles usados en los resguardos de la Vela y Boca de Colorado.

El 6 de Diciembre se perdió cerca de la barra del río San Juan la Goleta Dido, sin desgracias personales que lamentar y pocos días despues á la altura de Colorado la lancha de gasolina Florencia, habiéndose ahogado dos tripulantes y tres pasajeros. Ahora el mar ha estado arrojando á la playa madera de un buque náufrago y en un pedazo de proa se lee el nombre de David, ó sea el barco que frente á San Andres se perdió y que consignado al Gobierno de Costa Rica traía material para el ferro-carril al Pacífico.

El número de notas oficiales despachadas durante el año que finaliza principia con el Nº 7 y termina con el 47 ó sea un total de 40.

II.–

La Vela.– Resguardo situado en la vega izquierda de rio Colorado y frente á la boca de Simon Laguna, está servido por un cabo y dos guardas, los cuales prestan servicio por turno durante el dia y la noche para vigilar las embarcaciones procedentes de San Juan del Norte ó de Tortuguero y Parismina, las cuales tienen forzosamente que pasar frente á dicho resguardo. Su acción de vigilancia abarca una extensión como de diez millas, practicando comisiones á caño Pereira, de Palma y lagunas adyacentes, siendo por su situación el mas útil de tódos por ser la via obligada de los contraventóres de las leyes fiscales. Su casa-rancho, de madera cuadrada y de tablas de segunda mano conque se construyó, está en el mas ruinoso estado, siendo casi seguro que se inutilice por completo cuando se establezca la estación lluviosa, por lo que me permito llamar respetuosamente la atención del señor Inspectór.

III.– Boca de Colorado.

Resguardo que, como su nombre lo indica, está situado en la bifurcación del rio San Juan con el Colorado, componiéndose su dotación de un cabo y cuatro guardas.– Estándo ahora seco el Caño de Pereira, tódas las embarcaciones que se dirigen de ó para San Juan del Norte, tienen que pasar por la boca, donde, con un estricto servicio de vigilancia diario y nocturno, se hace, sino imposible, al menos muy dificil que alguna embarcación pueda eludir el registro correspondiente. Su acción de vigilancia abarca desde la Boca, por caño Bravo, caño madre y la multitud de caños y lagunas que buscan su desagüe en el río Colorado. Este resguardo algunas veces se encuentra con el anterior cuando en comisión andan visitando la gran red de lagunas que se extiende por ambas vegas del río.- Su rancho, completamente inutilizado tanto por lo viejo como por los fuertes vientos del río que lo azotan, se está refaccionando con la madera y zinc mas malos de la casa que en la Barra se destruyó, mientras esa Superioridad ordena lo conducente para edificar tanto en ese punto como en la Vela las casas que mas tarde ó mas temprano habrá necesariamente que construir.

IV.-

Creo, señor Inspector, dejar así cumplido lo ordenado por Ud., y esperando de su atenta benevolencia se sirva disimular las deficiencias que Ud note en este informe, me es grato suscribirme con la mayor consideración y respeto

De Ud Atto. y S. Servidor

José Solórzano J.

Annex 215

REPORT OF THE SUB-INSPECTOR OF THE TREASURY
TO THE GENERAL INSPECTOR OF THE TREASURY, 24 NOVEMBER 1908
SOURCE: ARCHIVO NACIONAL DE COSTA RICA, PP. 73-74

TRANSLATION

Official Seal of Costa Rica
Memorandum

The Honorable General Inspector of the Treasury

San José, 24 November, 1908
San José

Seal (Sub-inspection of the Treasury of Colorado, Republic of Costa Rica)

As per your instructions, and having been informed with the opinion of people who know the San Juan River and its affluents, I have arrived to the conclusion that from every point of view the Guard Post of Sota Caballo is unnecessary at that place, and that the most accessible point to the territory for smugglers, or to be used in case of a surreptitious invasion to the territory, is the mouth of the Chirripó River.

Said river (Chirripó) is navigable along almost all its extension, navigation that can be easily made up to fifteen days, which is the precise time needed to connect with the train on the old railway. It is, then my view that it is the mouth of the Chirripó the one that must be guarded and not Sota Caballo.

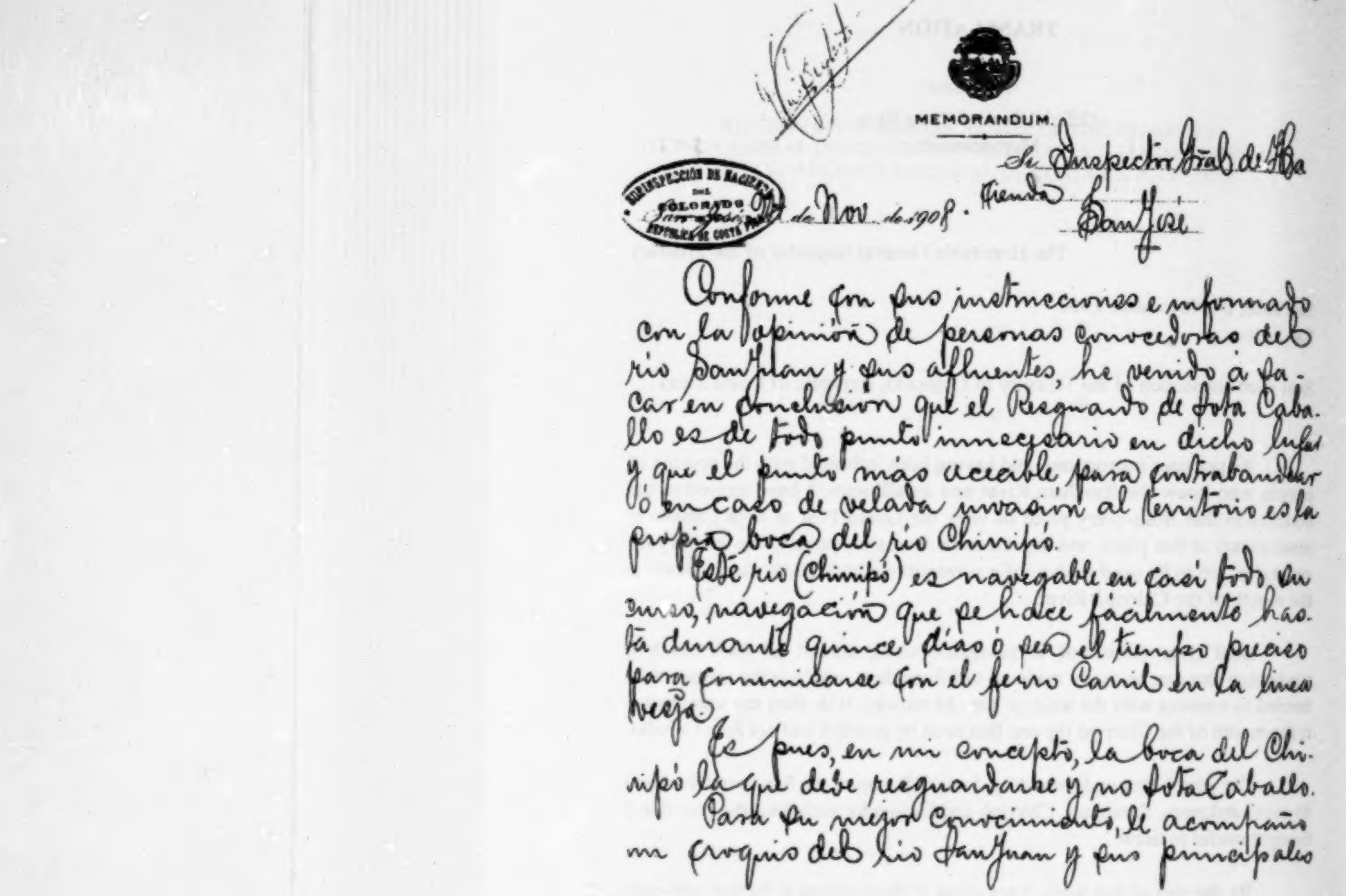
For your better understanding, I attach a map of the San Juan River and its main affluents, Sarapiquí, Chirripó and Colorado; including the part that I thought useful to draw.

By the end of this week, I am going to these places to further convince myself of what I said, in relation and by the next mail I will extend this report if considered necessary.

I am Mr. Inspector's most faithful servant,

The Sub-Inspector of the Treasury

V Sasso Morales



MEMORANDUM.

Sr. Inspector Gral. de Hacienda
San José

SUBINSPECCIÓN DE HACIENDA DEL COLORADO
REPÚBLICA DE COSTA RICA

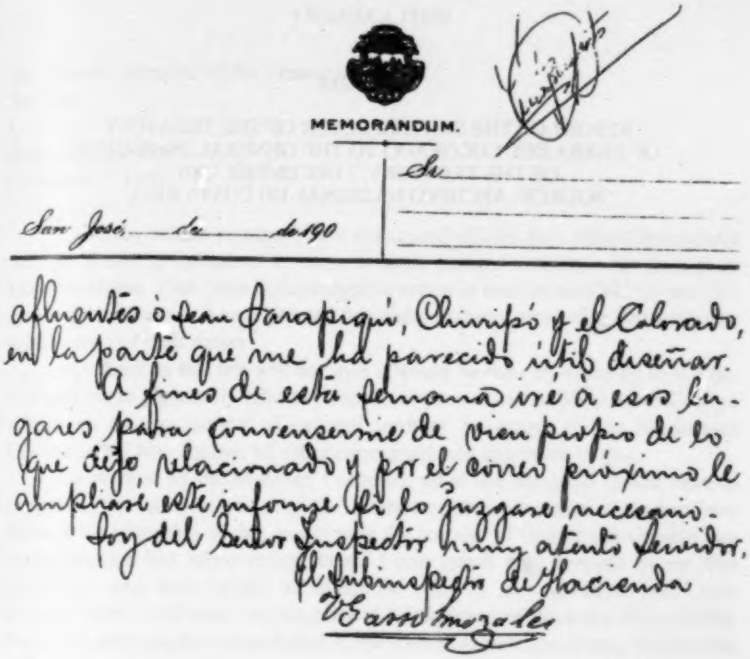
[illegible] de Nov. de 1908.

Conforme con sus instrucciones é informado con la opinión de personas conocedoras del río San Juan y sus afluentes, he venido á sacar en conclusión que el Resguardo de Sota Caballo es de todo punto innecesario en dicho lugar y que el punto más accesible para contrabandear ó en caso de velada invasión al territorio es la propia boca del río Chirripó.

Este río (Chirripó) es navegable en casi todo su curso, navegación que se hace fácilmente hasta durante quince días ó sea el tiempo preciso para comunicarse con el ferro Carril en la línea vieja.

Es pues, en mi concepto, la boca del Chirripó la que debe resguardarse y no Sota Caballo.

Para su mejor conocimiento, le acompaño un croquis del río San Juan y sus principales



MEMORANDUM.

San José, ____ de ____ de 190

Sr. ____

afluentes ó sean Sarapiquí, Chirripó y el Colorado, en la parte que me ha parecido útil diseñar.

A fines de esta semana iré á esos lugares para convencerme de visu propio de lo que dejo relacionado y por el correo próximo le ampliaré este informe si lo juzgare necesario.

Soy del Señor Inspector muy atento servidor,

El Subinspector de Hacienda

V. Garro Gonzales

Annex 216

REPORT OF THE SUB-INSPECTOR OF THE TREASURY OF BARRA DEL COLORADO TO THE GENERAL INSPECTOR OF THE TREASURY, 7 DECEMBER 1909

SOURCE: ARCHIVO NACIONAL DE COSTA RICA

TRANSLATION

Mr. General Inspector of the Treasury
San José

Barra del Colorado
December 7, 1909

I hereby inform you that I have authorized officers Secundino Carvajal and Antonio Ardón to go inland in order to seek medical assistance for their poor health condition. They have both pledged to return as soon as possible. Unless you may decide otherwise, I have granted this authorization considering their effective performance of their duties.

Difficult as this trip will be since it would be done by water up to el Peje, it allows me to personally send two reports requested by the Ministry of Foreign Affairs on the occupation of national territory by troops of the Nicaraguan Government. I also enclose all other correspondence addressed to you

Instructed by the Minister, I ordered, up to the Sarapiquí Guard Post, to conduct a general home search of the neighbours on the margins of the San Juan River at the beginning of this month with the purpose of finding out whether any revolutionaries had taken refuge there. Upon return they brought to me two individuals who were caught travelling the coast as they advanced into Costa Rican territory. I informed the Ministry of his situation opportunely. It is possible that I will send another commission to the Port in search provisions, because the situation here is alarming in this respect. No vessel has come here since the end of October and the vessel that visited our station on the eighteenth of last month did not bring any food supplies. Not only us, your subordinates, but also the entire community have nothing left to eat for days since no supplies are available for sale and the only vendor in the area has nothing left to sell.

Although it may not be of my concern to inform you about the troop, but they are also facing the same difficulties; add to the aforementioned that as it rains constantly there is no chance to go hunting, since, besides the rain, the water swamps in the mountain make this difficult.

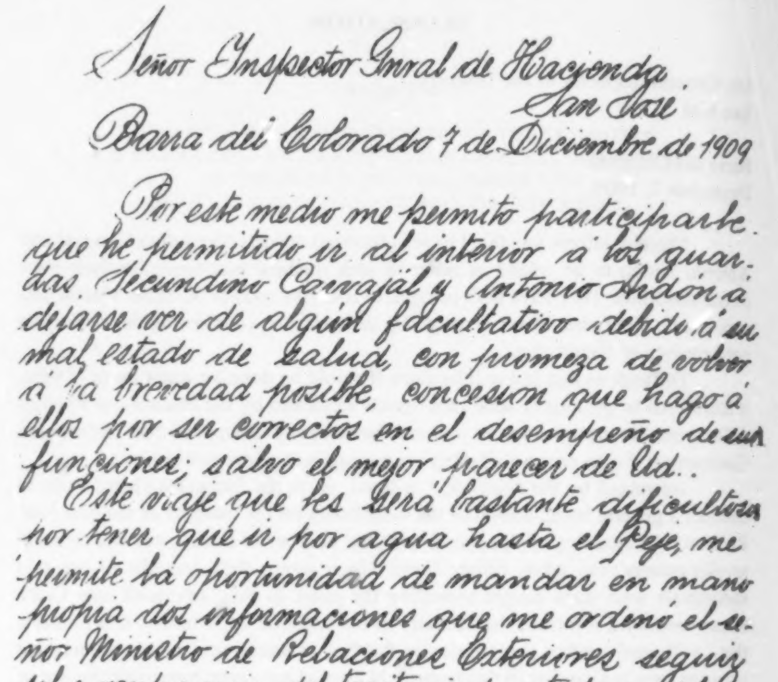
I availed myself of this opportunity to send you the correspondence because no other vessel has come to our post after the "Vanguardia" vessel since the 22nd of last month, and for this reason, I have not received any correspondence, money or food supplies since then.

With all due respect and consideration, I remain,

Truly yours,

Apolimar Ardín

SEAL
SUB-INSPECTION OF THE TREASURY
EL COLORADO
REPUBLIC OF COSTA RICA



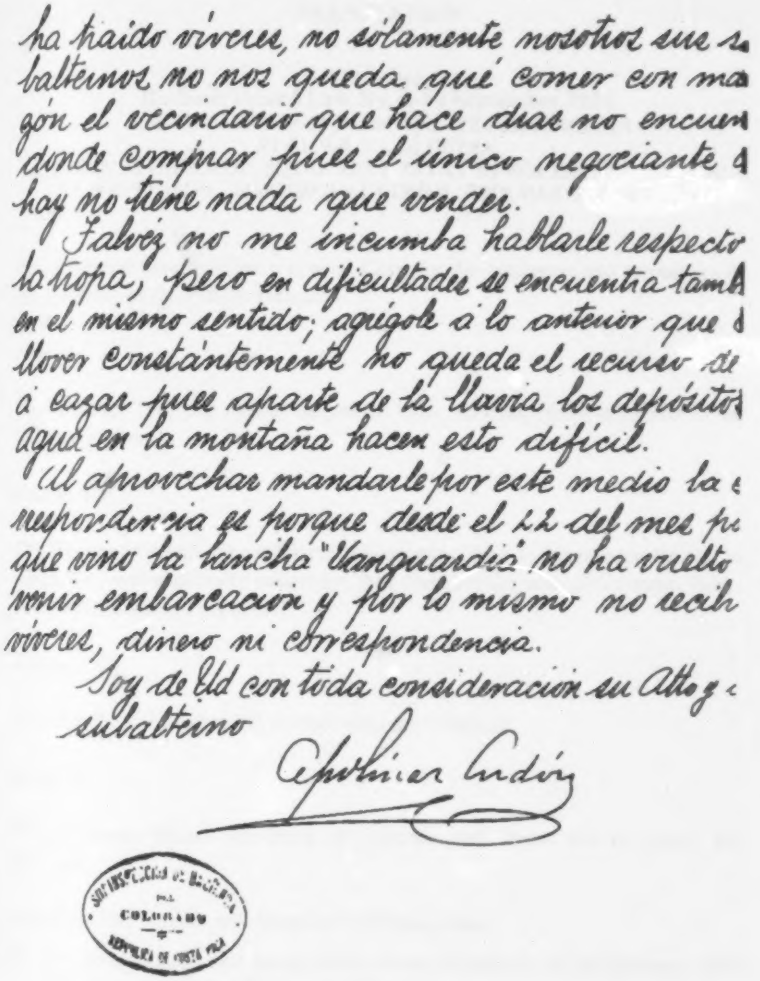
Señor Inspector Gnral de Hacienda
San José

Barra del Colorado 7 de Diciembre de 1909

Por este medio me permito participarle que he permitido ir al interior á los guardas Secundino Carvajál y Antonio Ardón á dejarse ver de algún facultativo debido á su mal estado de salud, con promeza de volver á la brevedad posible, concesion que hago á ellos por ser correctos en el desempeño de sus funciones; salvo el mejor parecer de Ud..

Este viaje que les será bastante dificultoso por tener qué ir por agua hasta el Peje, me permite la oportunidad de mandar en mano propia dos informaciones que me ordenó el señor Ministro de Relaciones Exteriores seguir sobre ocupacion del territorio por tropas del Gobierno de Nicaragua; á la vez envio la correspondencia que tengo para Ud.

Con instrucciones del mismo señor Ministro mandé en principios del corriente mes hasta el Resguardo de Sarapiquí á practicar registro en las casas de vecinos sobre las vegas de San Juan á fin de averiguar si habián en ellos refujiados revolucionarios; al regresar me trajo á dos individuos que por la Costa van á concentrarse al interior de Costa Rica: De esto dí oportuno aviso al señor Ministro. Es posible mande en breve otra comision á el Puerto en busca de viveres, pues la situación aqui en ese sentido és alarmante. Como desde fines del mes de Octubre no volvió la lancha y la que vino todavia el 18 del pasado no



ha traido víveres, no sólamente nosotros sus s
balternos no nos queda qué comer con ma
gón el vecindario que hace dias no encuen
donde comprar pues el único negociante
hay no tiene nada que vender.

Talvez no me incumba hablarle respecto
la tropa, pero en dificultades se encuentra tamb
en el mismo sentido; agrégole á lo anterior que
llover constántemente no queda el recurso de
á cazar pues aparte de la lluvia los depósitos
agua en la montaña hacen esto difícil.

Al aprovechar mandarle por este medio la c
rrespondencia es porque desde el 22 del mes p
que vino la lancha "Vanguardia" no ha vuelto
venir embarcación y por lo mismo no recib
víveres, dinero ni correspondencia.

Soy de Ud con toda consideración su Atto y
subalterno

Apolinar

SUB INSPECCIÓN DE HACIENDA
DEL
COLORADO
REPÚBLICA DE COSTA RICA

Annex 217

REVENUE GUARD LAW NO. 4, 10 SEPTEMBER 1923, ARTICLES 1-2, 6-9, 18-19

SOURCE: COLECCIÓN DE LEYES Y DECRETOS, SEGUNDO SEMESTRE, AÑO DE 1923 (SAN JOSÉ: IMPRENTA NACIONAL, 1923), PP. 306-310

TRANSLATION

Revenue Guard Law No. 4, 10 September 1923

"Article 1

The Revenue Guard forms a special Corp for the vigilance and protection of the interests of the Public Treasury.

Article 2

The Revenue Guard is part of the public force, and, therefore, is subject to the military regime.

Article 6

The Revenue Guards take different names, according to the responsibilities to which they will especially undertake, thus there are the ones of Customs, Ports, Telegraph, Border, Forest etc.

Article 7

The Guards will be divided in stationary and itinerant.

Article 8

The stationary Guard are those of Customs and Ports; and all others are itinerant.

Article 9: The Guards will have the following tasks:

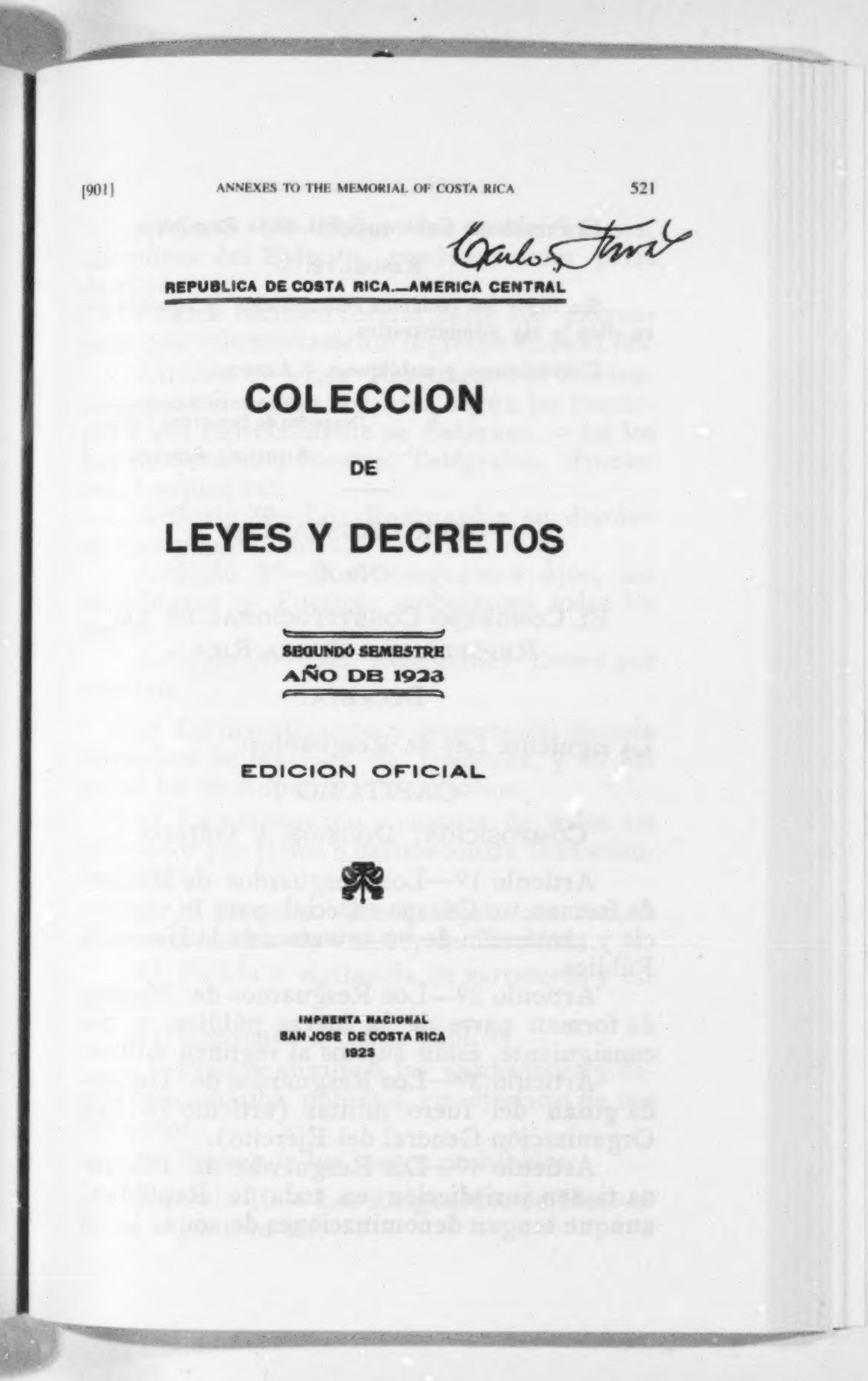
a) The investigation and prosecution of any infraction of the Treasury laws and, in particular, the Customs and the monopolies.
b) The pursuit and capture of those suspected of faults or crimes against the Public Treasury.
c) The seizure of any object that exists in contravention of a Treasury law.
d) Policing and surveillance of roads and paths.
e) Maintenance of Public Order.
f) Providing assistance to the authorities and other public functionaries in the exercising of their functions.
g) Repressing illegal games

Article 18

The vessels of the Guards will attend to the transportation of merchandize and passengers in those places where there are no such private initiatives, but this, will be subjected to the demands of the duties that are directly theirs. The Treasury Department will establish, as it may be, the tariffs that may regulate those transports.

Article 19

Under the same reservation established in the preceding article, the Mail and Telegraph services will be served.



Carlos

REPUBLICA DE COSTA RICA.—AMERICA CENTRAL

COLECCION
DE
LEYES Y DECRETOS

SEGUNDO SEMESTRE
AÑO DE 1923

EDICION OFICIAL

IMPRENTA NACIONAL
SAN JOSE DE COSTA RICA
1923

El Presidente Constitucional de la República

RESUELVE:

Sin lugar los reclamos relacionados y agotada para ellos la vía administrativa.

Comuníquese y publíquese.—ACOSTA.

El Secretario de Estado en el
Despacho de Seguridad Pública,

AQUILES ACOSTA

PODER LEGISLATIVO

Nº 4

EL CONGRESO CONSTITUCIONAL DE LA
REPÚBLICA DE COSTA RICA

DECRETA:

La siguiente Ley de Resguardos:

CAPITULO I

COMPOSICIÓN, DIVISIÓN Y OBJETO

Artículo 1º—Los Resguardos de Hacienda forman un Cuerpo especial para la vigilancia y protección de los intereses de la Hacienda Pública.

Artículo 2º—Los Resguardos de Hacienda forman parte de la fuerza pública, y, por consiguiente, están sujetos al régimen militar.

Artículo 3º—Los Resguardos de Hacienda gozan del fuero militar (artículo 78 Ley Organización General del Ejército).

Artículo 4º—Los Resguardos de Hacienda tienen jurisdicción en toda la República, aunque tengan denominaciones de zona.

Artículo 5º—Todos los costarricenses, miembros del Ejército, pueden formar parte de ellos.

Pueden también formar parte los extranjeros que voluntariamente ingresen en sus filas.

Artículo 6º—Los Resguardos de Hacienda toman diferentes nombres, según las funciones a que especialmente se dediquen, y así los hay de Aduanas, Puertos, Telégrafos, Fronteras, Bosques etc.

Artículo 7º—Los Resguardos se dividen en fijos y ambulantes.

Artículo 8º—Son Resguardos fijos, los de Aduanas y Puertos; ambulantes todos los demás.

Artículo 9º—Los Resguardos tienen por objetivo:

a) La investigación y persecución de toda infracción de las leyes de Hacienda, y en especial las de Aduanas y monopolios.

b) La persecución y captura de todos los indiciados por faltas o delitos contra la Hacienda Pública.

c) El decomiso de todo objeto que exista en contravención de una ley de Hacienda.

d) Policía y vigilancia de carreteras y caminos.

e) Mantener el orden público.

f) Prestar auxilio a las autoridades y demás funcionarios públicos, en ejercicio de sus funciones.

g) Perseguir los juegos prohibidos.

Artículo 10.—Los Resguardos de Hacienda se organizan así:

Un Inspector General
Un Visitador
Siete Inspectores Provinciales
Subinspectores
Oficiales
Guardas

Artículo 11.—La creación y distribución de las Subinspecciones de Hacienda, queda al arbitrio del Poder Ejecutivo, según sean las necesidades del servicio.

Artículo 12.—Por razón del régimen militar a que están sujetos los Resguardos, se asimilan:

A Coronel, el Inspector General de Hacienda.

A Teniente Coronel, el Visitador,

A Comandantes Mayores, los Inspectores Provinciales.

A Capitanes, los Subinspectores, cuando no lo fueren titulares.

CAPITULO II

UNIFORMES Y DIVISAS

Artículo 13.—Para los uniformes y divisas el Poder Ejecutivo dictará los Reglamentos respectivos.

CAPITULO III

ARMAMENTO Y EQUIPOS

Artículo 14.—El armamento y equipos serán suministrados a los Resguardos por la Nación.

Artículo 15.—A cada miembro del Resguardo el Estado suministrará:

a) Un silbato
b) Una placa
c) Un cuchillo
d) Un revólver
e) Una carabina
f) Diez tiros de revólver
g) Diez tiros de carabina
h) Relevo y pasto para su caballo.

Artículo 16.—A los Resguardos a que se refiere el artículo 28 de esta ley, el Estado suministrará:

a) Una barra
b) Dos pálas angostas
c) Dos palas anchas
d) Dos machetes para desyerbas
e) Dos picos
f) Dos macanas
g) Dos hachas
h) Dos baldes
i) Semillas

Artículo 17.—Las embarcaciones que utilicen los Resguardos en el Atlántico, se incorporarán a la Inspección Provincial de Limón; las que se utilicen en el Pacífico a la Inspección Provincial de Puntarenas; y aquellas de que se haga uso en los ríos y lagunas a la Inspección Provincial de la provincia respectiva.

Artículo 18.—Las embarcaciones de los Resguardos atenderán al trasporte de mercaderías y pasajeros en aquellos lugares en que la iniciativa particular no haya previsto, pero esto, supeditado a las exigencias de los deberes que directamente les incumbe. La Secretaría de Hacienda fijará en su caso las tarifas que deben regular esos trasportes.

Artículo 19.—Con la misma reserva que establece el artículo anterior, atenderán el servicio de Correos y Telégrafos.

Artículo 20.—A todos aquellos Resguardos cuya vigilancia debe ejercerse en lagunas o ríos navegables, se incorpora un bote automóvil.

CAPITULO IV

DISTRIBUCIÓN GEOGRÁFICA

Artículo 21.—Los Resguardos Provinciales se compondrán de: a) Un Inspector; b) Dos Oficiales Secretarios; c) Diez guardas.

Artículo 22.—Las Subinspecciones se compondrán de: a) Un Subinspector; b) Un Oficial Secretario; c) Cinco guardas.

Donde las exigencias del servicio lo demanden, podrá ser aumentado el número de guardas.

Artículo 23.—Son Resguardos Provinciales los de: San José, Cartago, Heredia, Alajuela, Puntarenas, Guanacaste y Limón, con asiento en las respectivas capitales de provincias.

Artículo 24.—Se establecen las siguientes Subinspecciones:

En la provincia de San José, la de San Marcos.

En la provincia de Cartago, la de Turrialba.

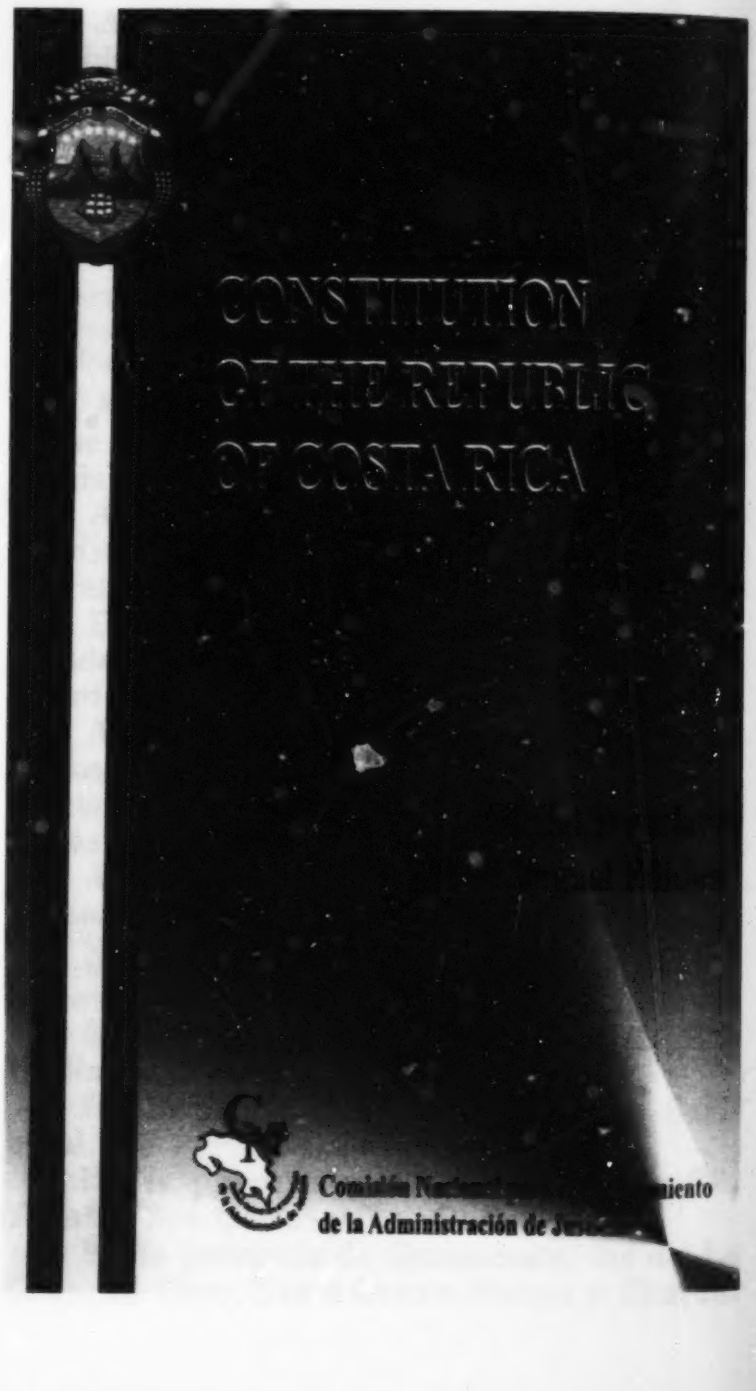
En la provincia de Heredia, la de Sarapiquí.

En la provincia de Alajuela, las de San Ramón, San Carlos y Los Chiles.

En la provincia de Guanacaste, las de La Cruz, El Coco, Santa Cruz o Nicoya y Tilarán.

Annex 218

CONSTITUTION OF COSTA RICA, 8 NOVEMBER 1949, ARTICLE 12
SOURCE: CONSTITUTION OF THE REPUBLIC OF COSTA RICA, BILINGUAL EDITION (SAN JOSÉ: COMISIÓN NACIONAL PARA EL MEJORAMIENTO DE LA ADMINISTRACIÓN DE JUSTICIA, 2001), P. 18



CONSTITUTION
OF THE REPUBLIC
OF COSTA RICA

Comisión Nacional p... miento
de la Administración de Justi...

ARTICLE 12.- The Army as a permanent institution is abolished. There shall be the necessary police forces for surveillance and the preservation of the public order.

Military forces may only be organized under a continental agreement or for the national defense; in either case, they shall always be subordinate to the civil power: they may not deliberate or make statements or representations individually or collectively.

Annex 219

SITUACIÓN JURÍDICA DEL RÍO SAN JUAN (EXTRACT)
SOURCE: PUBLICACIONES DEL MINISTERIO DE RELACIONES EXTERIORES, MANAGUA, 1954, PP. 5-6

TRANSLATION

INTRODUCTION

As a result of the recent border incidents with the Republic of Costa Rica, some confusion in relation to the true legal situation of the San Juan River was observed in Costa Rican and other countries' press publications.

With the aim of clarifying this confusion the Nicaraguan Ministry of Foreign Affairs sees fit to present the public with the compilation of the following documents, which establish Nicaragua's and Costa Rica's rights in the San Juan River:

(...)

To sum up the matter, and in accordance with the documents we are presenting to the public, Nicaragua has the dominion and sovereign jurisdiction over the whole San Juan River, and Costa Rica only has the right of navigation, exclusively, for commercial and fiscal purposes [*con fines de comercio y fiscales*], at the part of the river between the mouth of the Atlantic up to within three English miles of Castillo Viejo.

(...)

PUBLICACIONES DEL MINISTERIO DE RELACIONES EXTERIORES

SITUACION JURIDICA

DEL

RIO SAN JUAN

MANAGUA, D. N., NICARAGUA, C. A.
SEPTIEMBRE DE 1954

INTRODUCCION

Con motivo de los recientes incidentes fronterizos con la República de Costa Rica, pudo observarse en las publicaciones de prensa costarricenses y de otros paises, alguna confusión con respecto a la verdadera situación jurídica del río San Juan.

A fin de aclarar esa confusión el Ministerio de Relaciones Exteriores de Nicaragua ha creído del caso presentar al público la compilación de los siguientes documentos, que determinan los derechos de Nicaragua y Costa Rica en el río San Juan:

a) El Tratado de Límites del 15 de Abril de 1858 (Tratado Jerez-Cañas) que puso término a la larga controversia de límites entre Nicaragua y Costa Rica y que en su artículo 6º dispone que:

> "La República de Nicaragua tendrá exclusivamente el dominio y sumo imperio sobre las aguas del río San Juan desde su salida del Lago hasta su desembocadura en el Atlántico; pero la República de Costa Rica tendrá en dichas aguas los derechos perpetuos de libre navegación desde la expresada desembocadura hasta tres millas inglesas antes de llegar al Castillo Viejo, con objetos de Comercio . . . , . . "

b) El Laudo dictado por el Presidente de los Estados Unidos de América Señor Grover Cleveland, el 22 de Marzo de 1888. En ese Laudo se declara la validez del Tratado de Límites del 15 de Abril de 1858, se aclaran once puntos de dudosa interpretación contenidos en dicho Tratado y, respecto a los derechos de Costa Rica en el río San Juan, se establece que:

> "Conforme a dicho Tratado y a las estipulaciones contenidas en su artículo sexto, no tiene derecho la República de Costa Rica de navegar en el río San Juan con buques de guerra; pero puede navegar en dicho río con buques del servicio fiscal relacionados y conexionados con el goce de los "objetos de comercio" que le está acordado en dicho artículo, o que sean necesarios para la protección de dicho goce".

c) La Convención Matus-Pacheco del 27 de Marzo de 1896, en que los gobiernos de Nicaragua y Costa Rica convienen en nombrar Comisiones para trazar y amojonar debidamente la Línea divisoria entre las dos Repúblicas de acuerdo con los instrumentos internacionales relacionados en los dos párrafos precedentes y en someter a un ingeniero nombrado por el Presidente de los Estados Unidos de América los puntos en que las Comisiones estuvieren en desacuerdo.

d) Los fallos del Ingeniero E. P. Alexander, nombrado por el Presidente de los Estados Unidos de América, de acuerdo con lo anteriormente expresado.

e) El plano que muestra la línea divisoria trazada por las Comisiones nombradas de conformidad con la Convención Matus-Pacheco.

Dada la finalidad de la presente compilación, se han incluído en ella únicamente los documentos actualmente en vigor y no aquellos otros que solo presentan un interés histórico como los anteriores al Tratado de Límites del 15 de Abril de 1858. Por la misma razón no se ha incluído la Convención Cordero Reyes-Zúñiga Montúfar, del 5 de Abril de 1940 y que ha sido aducido equivocadamente por algunos órganos de prensa en el extranjero en cuanto a los derechos de navegación de Costa Rica en el río San Juan. La caducidad de esa Convención fué expresamente establecida en el texto de la misma al dejar establecido que ella «quedará sin ningún valor ni efecto y las cosas volverán al estado que tenían antes de su suscripción y perfeccionamiento si Nicaragua no hubiere principiado la construcción de la obra dentro de las condiciones aquí consignadas, en un plazo de cinco años a partir de la última ratificación». La obra a que se refiere la Convención es la canalización del río San Juan, la cual no ha sido aún comenzada.

Resumiendo la cuestión, y de conformidad con los documentos que presentamos al público, Nicaragua tiene el dominio y sumo imperio sobre todo el río San Juan, y Costa Rica, solo tiene derecho de navegación, exclusivamente con fines de comercio y fiscales, en la parte del río comprendida entre la desembocadura en el Atlántico y punto situado tres millas inglesas antes de llegar al Castillo Viejo.

El Gobierno del General Anastasio Somoza, que tanto celo ha demostrado en el mantenimiento inalterable de nuestra Soberanía nacional, cumple hoy con el deber de divulgar los instrumentos que fijan los derechos indiscutibles de Nicaragua sobre nuestro histórico río San Juan.

OSCAR SEVILLA SACASA.

Annex 220

COSTA RICAN RURAL ASSISTANCE GUARD LAW NO. 4639,
23 SEPTEMBER 1970, ARTICLES 2-3
SOURCE: COLECCIÓN DE LEYES, DECRETOS, ACUERDOS
Y RESOLUCIONES, SEGUNDO SEMESTRE 1970. TOMO I
(SAN JOSÉ: IMPRENTA NACIONAL, 1970), PP. 564-565

TRANSLATION

Costa Rican Rural Assistance Guard Law No 4639, 23 September 1970

"Article 2

The Rural Assistance Guard Corps will have jurisdiction in the entire Republic. To the Rural Assistance Guard will be incorporated the Revenue Guard and the Village and Town Police.

Article 3

The Rural Assistance Guard will have as functions:

(…)

c) Ensure the observance of the laws against contraband, narcotics and the ones protecting the public treasury;

d) Cooperate in the guard and surveillance of the borders, coasts, customs and ports;

(…)

l) Provide due collaboration to the Ministry of Treasury, when it is required, regarding the vigilance of the public revenue;

(…)

For the proper performance of its functions, the Rural Assistance Guard shall have the same powers and attributions in regards to arrest, detention, seizure and search that currently possess the Village and Town Police and the Revenue Guard."

REPUBLICA DE COSTA RICA -:- AMERICA CENTRAL

COLECCION DE LEYES, DECRETOS, ACUERDOS Y RESOLUCIONES

EDICION PUBLICADA BAJO LA DIRECCION DEL
LIC. DON JOSE MARIA GARCIA A.

SEGUNDO SEMESTRE 1970
I TOMO
EDICION OFICIAL

1970
IMPRENTA NACIONAL

El proyecto respectivo se publicó por primera vez para oír objeciones, en "La Gaceta" Nº 190 de 27 de agosto próximo pasado; no habiéndose presentado ninguna y hechos los estudios correspondientes en sus aspectos legal y económico, y con base en el inciso i), artículo 4º de su Ley Orgánica,

LA CONTRALORIA GENERAL DE LA REPUBLICA, ACUERDA:

Impartiles su aprobación.

Rigen diez días después de su publicación en el Diario Oficial.

Publíquese.—R. Losilla G., Subcontralor General.

Nº 9-EE.—San José, 14 de setiembre de 1970.

MUNICIPALIDAD DEL CANTON DE VALVERDE VEGA

La Municipalidad del cantón de Valverde Vega en sesión ordinaria Nº 25 de 2 de octubre de 1969, acordó el cobro de tasas por servicios de acarreo de basura. El proyecto respectivo se publicó para oír objeciones en "La Gaceta" Nº 157 de 17 de julio de 1970, de conformidad con el inciso i), artículo 4º de la Ley Orgánica de la Contraloría General, sin que se presentara ninguna al respecto.

Hechos los estudios legales y económicos correspondientes,

LA CONTRALORIA GENERAL DE LA REPUBLICA, ACUERDA:

Impartirles su aprobación, así:

Acarreo de basura	Por trimestre
Servicio residencial	₡ 4.50
Servicio comercial	7.00
Servicio industrial	9.00

Estas tarifas rigen diez días después de su publicación en "La Gaceta".

Publíquese.—R. Losilla G., Subcontralor General.

ASAMBLEA LEGISLATIVA

Nº 4639

LA ASAMBLEA LEGISLATIVA DE LA REPUBLICA DE COSTA RICA

DECRETA:

La siguiente

Ley Orgánica de la Guardia de Asistencia Rural de Costa Rica

TITULO I

Artículo 1º—Créase el Cuerpo de la Guardia de Asistencia Rural que prestará sus servicios para el mantenimiento del orden y la asistencia a la población rural, conforme a las atribuciones que esta ley señala.

La Guardia de Asistencia Rural colaborará con la Fuerza Pública, sin formar parte de ella, y sus miembros estarán de alta mientras desempeñen sus cargos, igualmente que el personal de la Fuerza Pública.

Artículo 2º—El Cuerpo de la Guardia de Asistencia Rural tendrá jurisdicción en toda la República. A la Guardia de Asistencia Rural se incorporan el Resguardo Fiscal y la Policía de Villas y Pueblos.

Artículo 3º—La Guardia de Asistencia Rural tendrá como funciones:

a) Velar por la seguridad, tanto de las personas como de la propiedad;
b) Vigilar y mantener el orden público, en las provincias, cantones, distritos y caseríos;
c) [redacted] la observancia de las leyes contra el contrabando, los narcóticos y las que protegen la hacienda pública;
d) [redacted]operar en el resguardo y vigilancia de las fronteras, costas, aduanas y [redacted];
e) Perseguir y aprehender a los violadores de la ley;
f) Alfabetizar adultos en las zonas a las que no ha llegado la acción del Ministerio de Educación Pública;
g) Colaborar en las campañas de higiene y salubridad;
h) Asesorar a los campesinos en el cuidado del ganado;
i) Promover actividades de desarrollo comunal;
j) Evitar atentados contra la riqueza forestal y arqueológica.
k) Cooperar en la conservación de la fauna silvestre;
l) Prestar obligada colaboración al Ministerio de Hacienda, cuando éste lo requiera, en lo relativo a la vigilancia de la hacienda pública; y
m) Todas aquellas otras misiones para las que expresamente se haya preparado a sus componentes.

Para el cabal desempeño de sus funciones, la G[redacted] tendrá los mismos poderes y atribuciones respecto al [redacted]queda, que tienen actualmente la Policía de Villas y Pueblos y el Re[redacted] Fiscal.

Artículo 4º—La Guardia de Asistencia Rural dependerá directamente del Ministerio de Gobernación.

Artículo 5º—En cada provincia, la fuerza de la Guardia de Asistencia Rural estará a disposición del respectivo Gobernador, para el cumplimiento de los deberes y atribuciones que a él le corresponda.

Artículo 6º—El Cuerpo de la Guardia de Asistencia Rural estará organizado a base de una Dirección General, de dos Subdirecciones Generales y de las dependencias que requiera para el ejercicio de sus funciones.

Artículo 7º—El Poder Ejecutivo dictará los reglamentos por los cuales se regirá la organización, distribución y atribuciones del personal y de las dependencias de la Guardia de Asistencia Rural, así como los que sean necesarios para el mejor desenvolvimiento de sus funciones.

Artículo 8º—Todo el personal de la Guardia de Asistencia Rural, para los efectos de inamovilidad, queda amparado a los beneficios del Estatuto de Servicio Civil, a excepción del Director General y de los dos Subdirectores Generales, que serán de libre elección y remoción del Poder Ejecutivo.

Artículo 9º—La Guardia de Asistencia Rural contará con la reglamentada colaboración del Consejo Superior de Defensa Social, en cuanto a los servicios de talleres de mecánica, de sastrería, de zapatería y de caballerizas.

Artículo 10.—La Guardia de Asistencia Rural contará, para el mejor desempeño de las funciones a su cargo, con una armería, una proveeduría y aquellos otros servicios que sean recomendables.

Artículo 11.—La Dirección General de la Guardia de Asistencia Rural podrá contratar directamente con la Dirección General de Defensa Social la confección de uniformes, zapatos, botas, capas, aperos, cartucheras, fajas de cuero y todo aquello que pueda ser elaborado en sus dependencias.

Artículo 12.—En los distritos y cantones del país habrá el número de guardias y personal supervisor medio, que determinen las necesidades del lugar, dirigidos por un jefe de zona; sin embargo, para efectos de operación y admi-

Annex 221

COSTA RICAN LAW NO. 4766, 28 MAY 1971, ARTICLE 3
SOURCE: COLECCIÓN DE LEYES, DECRETOS, ACUERDOS
Y RESOLUCIONES, PRIMER SEMESTRE 1971. TOMO I
(SAN JOSÉ: IMPRENTA NACIONAL, 1971), P. 1170

TRANSLATION

Costa Rican Law No. 4766, 18 June 1970

Article 3:

(…)

“n) To perform the same juridical acts that formerly appertained to the Village and Town Police and the Revenue Guard; and

ñ) To exercise all the other responsibilities that in accordance with the juridical order where assigned to the authorities mentioned in the previous paragraph, except for those that refer to the municipal regime.

(…)”

REPUBLICA DE COSTA RICA -:- AMERICA CENTRAL

COLECCION DE LEYES, DECRETOS, ACUERDOS Y RESOLUCIONES

EDICION PUBLICADA BAJO LA DIRECCION DEL
LIC. DON JOSE MARIA GARCIA A.

PRIMER SEMESTRE 1971
I TOMO
EDICION OFICIAL

1971
IMPRENTA NACIONAL

Esta modificación fue acordada por la Junta Directiva General del Banco, según consta en el artículo 8º del acta de la sesión Nº 68-4/71, celebrada el 8 de junio de 1971.

San José, julio de 1971.—Gerardo J Echeverría, Gerente a. i.—Jorge Emilio Regidor, Secretario de la Gerencia.

ASAMBLEA LEGISLATIVA

Nº 4766

LA ASAMBLEA LEGISLATIVA DE LA REPUBLICA DE COSTA RICA,

DECRETA:

Artículo 1º—Adiciónase la Ley de Creación de la Guardia de Asistencia Rural, Nº 4639 de 15 de setiembre de 1970, con dos artículos transitorios y el artículo 3º de la misma ley con dos incisos, que se leerán así:

n) Celebrar los mismos actos jurídicos que correspondían anteriormente a la Policía de Villas y Pueblos y al Resguardo Fiscal; y
ñ) Ejercer todas las demás atribuciones que conforme al ordenamiento jurídico, les estaban asignadas a las autoridades mencionadas en el inciso anterior, salvo las que se refieren al actual régimen municipal.

Transitorio VIII.—Todos los actos jurídicos celebrados por las autoridades de la Guardia de Asistencia Rural a que se refieren los incisos n) y ñ) del artículo 3º, tendrán plena validez jurídica desde el momento en que se celebraron.

Transitorio IX.—En todas aquellas disposiciones en que aparezcan los términos "Jefe Político" y "Agente Principal de Policía", deberá leerse: "Delegado Cantonal" y "Delegado Distrital de la Guardia de Asistencia Rural", respectivamente.

Artículo 2º—Esta ley rige a partir de su publicación.

Comuníquese al Poder Ejecutivo

Asamblea Legislativa.—San José, a los veintiocho días del mes de mayo de mil novecientos setenta y uno.

LUIS ALBERTO MONGE ALVAREZ,
Vicepresidente.

EDWIN MUÑOZ MORA,
Primer Secretario.

ANGEL EDMUNDO SOLANO CALDERON,
Segundo Secretario.

Casa Presidencial.—San José, a los nueve días del mes de junio de mil novecientos setenta y uno.

Ejecútese y Publíquese

JOSE FIGUERES

El Ministro de Cultura, Juventud y Deportes,
encargado del Despacho de Gobernación,
Policía, Justicia y Gracia,
ALBERTO F. CAÑAS.

"La Gaceta" Nº 126 de 18 de junio.

Annex 222

SITUACIÓN JURÍDICA DEL RÍO SAN JUAN (EXTRACT)
SOURCE: PUBLICACIONES DEL MINISTERIO
DE RELACIONES EXTERIORES, MANAGUA, 1974, PP. 5-6

TRANSLATION

INTRODUCTION

As a result of the recent border incidents with the Republic of Costa Rica, some confusion in relation to the true legal situation of the San Juan River was observed in Costa Rican and other countries' press publications.

With the aim of clarifying this confusion the Nicaraguan Ministry of Foreign Affairs sees fit to present the public with the compilation of the following documents, which establish Nicaragua's and Costa Rica's rights in the San Juan River:

(…)

To sum up the matter, and in accordance with the documents we are presenting to the public, Nicaragua has the dominion and sovereign jurisdiction over the whole San Juan River, and Costa Rica only has the right of navigation, exclusively, for commercial and fiscal purposes [*con fines de comercio y fiscales*], at the part of the river between the mouth of the Atlantic up to within three English miles of Castillo Viejo.

(…)

PUBLICACIONES DEL MINISTERIO DE RELACIONES EXTERIORES

CORTESIA DEL VICE-MINISTERIO DE OBRAS PUBLICAS
ENCARGADO DEL DESARROLLO DE LA COSTA ATLANTICA
E
INSTITUTO GEOGRAFICO NACIONAL

SITUACION JURIDICA

DEL

RIO SAN JUAN

BIBLIOTECA ASAMBLEA LEGISLATIVA

MANAGUA, D. N., NICARAGUA, C. A.
JULIO DE 1974

INTRODUCCION

Con motivo de los recientes incidentes fronterizos con la República de Costa Rica, pudo observarse en las publicaciones de prensa costarricenses y de otros países, alguna confusión con respecto a la verdadera situación jurídica del río San Juan.

A fin de aclarar esa confusión el Ministerio de Relaciones Exteriores de Nicaragua ha creído del caso presentar al público la compilación de los siguientes documentos, que determinan los derechos de Nicaragua y Costa Rica en el río San Juan:

a) El Tratado de Límites del 15 de Abril de 1858 (Tratado Jerez-Cañas) que puso término a la larga controversia de límites entre Nicaragua y Costa Rica y que en su artículo 6º dispone que:

> "La República de Nicaragua tendrá exclusivamente el dominio y sumo imperio sobre las aguas del río San Juan desde su salida del Lago hasta su desembocadura en el Atlántico; pero la República de Costa Rica tendrá en dichas aguas los derechos perpetuos de libre navegación desde la expresada desembocadura hasta tres millas inglesas antes de llegar al Castillo Viejo, con objetos de Comercio . . . . . "

b) El Laudo dictado por el Presidente de los Estados Unidos de América Señor Grover Cleveland, el 22 de Marzo de 1888. En ese Laudo se declara la validez del Tratado de Límites del 15 de Abril de 1858, se aclaran once puntos de dudosa interpretación contenidos en dicho Tratado y, respecto a los derechos de Costa Rica en el río San Juan, se establece que:

> "Conforme a dicho Tratado y a las estipulaciones contenidas en su artículo sexto, no tiene derecho la República de Costa Rica de navegar en el río San Juan con buques de guerra; pero puede navegar en dicho río con buques del servicio fiscal relacionados y conexionados con el goce de los "objetos de comercio" que le está acordado en dicho artículo, o que sean necesarios para la protección de dicho goce".

c) La Convención Matus-Pacheco del 27 de Marzo de 1896, en que los gobiernos de Nicaragua y Costa Rica convienen en nombrar Comisiones para trazar y amojonar debidamente la Línea divisoria entre las dos Repúblicas de acuerdo con los instrumentos internacionales relacionados en los dos párrafos precedentes y en someter a un ingeniero nombrado por el Presidente de los Estados Unidos de América los puntos en que las Comisiones estuvieren en desacuerdo.

d) Los fallos del Ingeniero E. P. Alexander, nombrado por el Presidente de los Estados Unidos de América, dr acuerdo con lo anteriormente expresado.

e) El plano que muestra la línea divisoria trazada por las Comisiones nombradas de conformidad con la Convención Matus-Pacheco.

Dada la finalidad de la presente compilación, se han incluído en ella únicamente los documentos actualmente en vigor y no aquellos otros que solo presentan un interés histórico como los anteriores al Tratado de Límites del 15 de Abril de 1858. Por lo misma razón no se ha incluído la Convención Cordero Reyes-Zúñiga Montúfar, del 5 de Abril de 1940 y que ha sido aducido equivocadamente por algunos órganos de prensa en el extranjero en cuanto a los derechos de navegación de Costa Rica en el río San Juan. La caducidad de esa Convención fué expresamente establecida en el texto de la misma al dejar establecido que ella "quedará sin ningún valor ni efecto y las cosas volverán al estado que tenían antes de su suscripción y perfeccionamiento si Nicaragua no hubiere principiado la construcción de la obra dentro de las condiciones aquí consignadas, en un plazo de cinco años a partir de la última ratificación" La obra a que se refiere la Convención es la canalización del río San Juan, la cual no ha sido aún comenzado. Resumiendo la cuestión, y de conformidad con los documentos que presentamos al público, Nicaragua tiene el dominio y sumo imperio sobre todo el río San Juan, y Costa Rica, solo tiene derecho de navegación, exclusivamente con fines de comercio y fiscales, en la parte del río comprendida entre la desembocadura en el Atlántico y punto situado tres millas inglesas antes de llegar al Castillo Viejo.

El Gobierno del General Anastasio Somoza, que tanto celo ha demostrado en el mantenimiento inalterable de nuestra Soberanía nacional, cumple hoy con el deber de divulgar los instrumentos que fijan los derechos indiscutibles de Nicaragua sobre nuestro histórico río San Juan.

OSCAR SEVILLA SACASA.

Annex 223

MANAGER OF SWISS TRAVEL SERVICES, EMILIA GAMBOA, TO COSTA RICAN MINISTER OF PUBLIC SECURITY, ANGEL EDMUNDO SOLANO, 7 JUNE 1982

TRANSLATION

SWISS TRAVEL SERVICES, S.A.
P.O. Box 5094, San José, C.R. C.A.

June 7, 1982

Mr. Angel Edmundo Solano
Minister of Public Security
Ministry of Public Security

Dear Minister:

For the last eight years, our agency, which is devoted exclusively to receive foreign tourism in Costa Rica, has organized a tourist excursion that leaves from San José, on a SANSA flight, to Limón. It includes a tour along the Canales de *Tortuguero*, one night in the *Cabinas Barra del Colorado*, located in *Barra del Colorado Sur*, returning the next day through the *Colorado*, the San Juan, and the *Sarapiquí* Rivers up to *Puerto Viejo de Sarapiquí*, or vice-versa, depending on where the vessels are located.

The Immigration Department in Limón requires us, among other things, that we submit to them a list of passengers, indicating their full name, addresses, passport number, and nationality, as well as the registration cards of the guests, as it is done in any hotel in the capital city.

Yesterday, Sunday June 6, while our boat was heading to Puerto Viejo with 10 tourists, it was intercepted by a Sandinista patrol that forced all of our tourists to land and to show all their belongings. After several hours of arguing with the passengers and the captain, they told our employee that he should notify our head office that, as of yesterday, Costa Rican vessels were prohibited to pass through the San Juan, particularly with North American and European tourists, such as the ones that were travelling in yesterday´ s tour.

As I understand, there is a treaty between Costa Rica and Nicaragua that allows Costa Rican vessels to navigate along the riverbank on our side.

You will understand that our country is in need of foreign currency and the easiest way to obtain it is through the tourist industry, and that those people, unconcerned for our needs, want to kill our sources of income.

In addition, the Sandinista patrol told our employee that, to cross the San Juan on Costa Rican vessels, tourists must carry a Nicaraguan visa, something which I believe is unfounded in view of the existence of the treaty.

I kindly request that you act on this matter because, by the middle of this week, we have another tour with a group of passengers from Curacao that have paid in advance and we fear that something bad might happen to them because of the intrusion of the patrols.

Please, kindly inform us know the outcome of your good offices so we can continue our tours.

Sincerely yours,

Emilia Gamboa
Manager

cc: Mrs. Doris de Monge

Junio 7, 1982

Lic. Angel Edmundo Solano
Ministro de Seguridad Pública
MINISTERIO DE SEGURIDAD PUBLICA
[illegible]

Estimado señor Ministro:

Nuestra Agencia dedicada única y exclusivamente al turismo receptivo en Costa Rica, ha venido realizando durante los últimos ocho años una excursión que sale en vuelo de Sansa San José, Limón paseo por los Canales de Tortuguero, noche en Cabinas Barra del Colorado, ubicadas en Barra del Colorado Sur, regresando al día siguiente por el Río Colorado, Río San Juan, Río Sarapiquí hasta Puerto Viejo de Sarapiquí o viceversa dependiendo de la dirección en donde se encuentren los botes

Uno de los requisitos que nos pide el Departamento de Migración en Limón es un manifiesto de pasajeros, indicando nombre completo, dirección, número de pasaporte y nacionalidad de los visitantes, además de las tarjetas de registro de los huéspedes como se lleva en cualquier hotel capitalino

Ahora bien, ayer domingo 6 de Junio, mientras nuestra lancha se dirigía con 10 turistas hacia Puerto Viejo fueron interceptados por una patrulla sandinista, quienes obligaron a todos nuestros turistas a bajar del bote, mostrar todas sus pertenencias y después de argumentar por varias horas con los pasajeros y con el botero, avisaron a nuestro empleado que notificara a la oficina central que desde ayer quedaba prohibido a embarcaciones ticas atravesar por el río San Juan, especialmente con turistas norteamericanos y europeos como los que viajaban en la excursión de ayer.

Si así se entiende existe un tratado entre Costa Rica y Nicaragua en el que se permite el paso de embarcaciones costarricenses por la rivera del lado nuestro

Usted comprenderá la necesidad que tiene el país de divisas y que la manera más fácil de obtenerlas en forma inmediata es por medio de la industria turística, y estos señores inconscientes de nuestra necesidad quieren matar nuestras fuentes de ingreso

Lic. Angel Edmundo Solano Junio 7, 1982

Cont'd

Otra de las cosas que informara la patrulla sandinista a nuestro empleado fue que para atravesar con embarcaciones costarricenses por el Río San Juan, los turistas deberían de llevar visa de Nicaragua, lo cual creo es improcedente debido a la existencia del tratado.

De la manera más atenta le ruego intervenir en este asunto debido a que para mediados de esta semana tenemos otra excursión con un grupo de pasajeros de Curacao que han pagado de antemano por la excursión y tenemos que algo malo les pueda ocurrir debido a la intervención de estas patrullas

Le ruego se sirva comunicarnos sobre el resultado de sus gestiones de manera que podamos seguir realizando esta excursión

Muy atentamente,

Emilia Gamboa
Gerente

cc: Sra. Doris de Monge

Annex 224

MANAGER OF SWISS TRAVEL SERVICES, EMILIA GAMBOA, TO COSTA RICAN VICE-MINISTER OF FOREIGN AFFAIRS AND WORSHIP, EKHART PETERS, 5 JULY 1982

TRANSLATION

SWISS TRAVEL SERVICES, S.A.
P.O. Box 5094, San José, C.R. C.A.

July 5, 1982

Mr. Ekhart Peters
Vice-Minister
Ministry of Foreign Affairs and Worship
Republic of Costa Rica

Dear Mr. Vice-Minister:

Regarding your kind letter of July 1st, following is a description of the incidents occurred to our excursionists when they crossed the border post through the San Juan River.

The first and biggest incident occurred on June 6. I am enclosing a copy of the letter sent to Angel Edmundo Solano, Esq., on June 7, describing all the details.

On Sunday, June 13, our boat was intercepted again by the Sandinista patrol, to whom I sent a note informing them of the illegality of their procedure, and also that our authorities had filed a complaint before the Government of Nicaragua for the irregularities occurred on June 6. The patrolmen read my note and did not demand the visas as they did on June 6, but they did search all our passengers and their luggage, for approximately 1 hour.

On Sunday, June 20, there were no patrols watching the river, but again they asked our passengers for identifications and they searched their belongings. This procedure was followed again on June 27.

One of the passengers, who by the way is an American writer, told us that he carried a case with his camera, lenses, etc. He says that they opened the case; they took out the camera, lenses, etc. to see if the case had a secret compartment. They turned the case upside down to make sure he was not hiding anything. Finally, they gave it back to him so he could give back his belongings.

I was holding this answer until today, to inform you of any incident that could have occurred with the tourists that returned yesterday, but unfortunately because of the rains I have not been able to communicate with our cabins in

Barra del Colorado. As soon as the telephone lines are repaired, I will try to get a detailed report and I will send it to you immediately.

I want to express my appreciation to Costa Rican authorities for giving these incidents the priority they deserve, because as you will see in the copies of previous letters, we have been dealing with this problem for quite a while.

Sincerely yours,
Emilia Gamboa
Manager

Encl.

P.S. In the enclosed correspondence, I underlined a paragraph in my letter to Former Minister Carmona, dated November 30, and another one sent to Former Minister Alfaro, dated November 24, 1981. Things like these happened when we wanted to report some irregularity.

Julio 5, 1982

MINISTERIO DE RELACIONES EXTERIORES
[illegible]
RECIBIDO
6-7-82. 9 am.

Señor
Eckhart Peters
Vice Ministro
MINISTERIO DE RELACIONES EXTERIORES Y CULTO
República de Costa Rica

Estimado señor Vice Ministro:

Con relación a su atenta carta del 1 de Julio, paso a continuación a detallarle los incidentes ocurridos a nuestros excursionistas a la hora de atravesar por el Río San Juan el puesto fronterizo.

El primer y más grande incidente ocurrió el día 6 de Junio. Le adjunto copia de carta enviada al Lic. Angel Edmundo Solano el día 7 de Junio dando todos los detalles del caso.

El domingo 13 de Junio nuestra lancha fue interceptada nuevamente por la Patrulla Sandinista a quienes yo les envié una nota informandoles de la ilegalidad de su tramitación, además de que nuestras autoridades habían tomado cartas en el asunto ante el Gobierno de Nicaragua sobre las irregularidades ocurridas el 6 de Junio. Los patrulleros leyeron mi nota y no exigieron las visas que habían exigido el 6 de Junio, pero sí registraron a todos nuestros pasajeros y a su equipaje cada por espacio de una hora aproximadamente.

El Domingo 20 de Junio no hubo patrulla vigilando el Río, pero de nuevo pidieron a todos los pasajeros identificarse y registraron sus pertinencias. Este mismo procedimiento fue útilizado el 27 de Junio.

Nos contaba uno de los pasajeros, que dicho sea de paso es un escritor norteamericano, que él llevaba un estuche con su cámara, lentes, etc. y dice que lo abrieron, vieron que era una cámara, sacaron cámara, lentes, etc. para ver si el estuche tenía un compartimiento secreto, voltearon el estuche hacia abajo para asegurarse de que no llevaba nada escondido y luego se lo entregaron para que volviera a entregar sus pertinencias.

Sr. Ekhart Peters
Vice Minsitro

Julio 5, 1982

Cont'd...

Estuve sosteniendo esta respuesta hasta hoy 5, para informarle de cualquier incidente que hubiera ocurrido con los turistas que regresaron ayer, pero desafortunadamente y debido a las lluvias me ha sido imposible lograr comunicación con nuestras Cabinas en Barra del Colorado. Inmediatamente nos reparen la línea telefónica trataré de conseguir un informe detallado y se lo enviaré inmediatamente.

No omito manifestar nuestro agradecimiento a las autoridades costarricenses el dar a estos incidentes la prioridad que merecen ya que como verá en copias de correspondencia anterior, llevamos bastante tiempo luchando con este problema.

Muy atentamente,

Emilio Gamboa
Gerente

Adj.-

P. D. En la correspondencia adjunta, le subrayé un párrafo en mi carta al Ex-Ministro Carmona fechada Noviembre 30 y la otra enviada al Ex-Ministro Alfaro fechada Noviembre 24, 1981. Cosas como éstas nos ocurrían cuando queríamos reportar alguna irregularidad.

Annex 225

MANAGER OF SWISS TRAVEL SERVICES, EMILIA GAMBOA, TO COSTA RICAN VICE-MINISTER OF FOREIGN AFFAIRS AND WORSHIP, EKHART PETERS, 13 JULY 1982

TRANSLATION

SWISS TRAVEL SERVICES, S.A.
P.O. Box 5094, San José, C.R. C.A.

July 13, 1982

Mr. Ekhart Peters
Vice Minister
Ministry of Foreign Affairs and Worship

Dear Vice-Minister:

I am sorry that it took so long to report what happened on Sunday, July 4 in the border post in Sarapiquí, but unfortunately we have been without means of communication because the rain in that area damaged the telephone lines.

Because of the lack of communication we decided to cancel the excursion that would return on the 11th through Puerto Viejo, but today, when we were able to get a connection, we were informed that the new instructions given to the boatmen by the Sandinistas gave to the boatmen, were:

They must pay the departure clearance certificate at Barra del Colorado at the Rural Assistance Guard.

Bring the departure clearance certificate to the border post, and exchange it for a new one that they prepare with a cost of ¢10,oo since they argue that the departure clearance certificate issued by the Costa Rican authorities is not valid when navigating the San Juan River.

To this effect, the boatman must climb up to the post, which is located on top of a hill, under the rain, with mud, etc., taking approximately 20 minutes going up and 20 going down. In the meanwhile, the customers wait sitting in the boat.

Afterwards, the boatman must show that new departure clearance certificate to the guard at the river bank, who then proceeds to ask the passengers for their passports and search their luggage. All this procedure takes between 30 and 45 minutes.

The boatmen tell me that it is not wise to argue with Sandinistas when they reach that point. They must do exactly as they are told, since this is a very isolated area and the guards are armed.

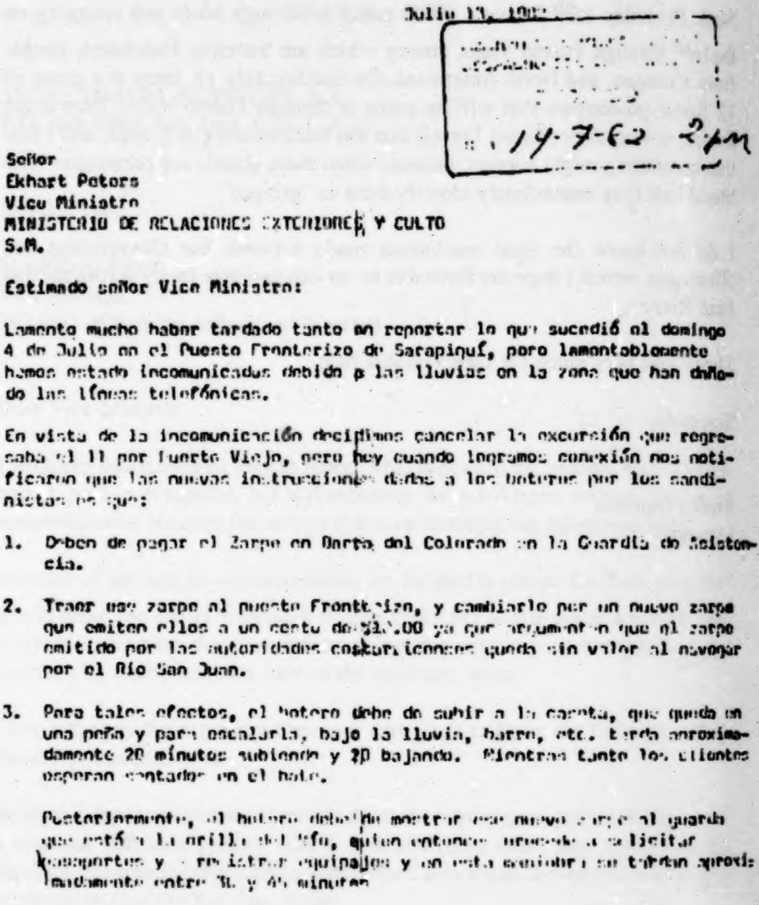
Next Thursday 15th I have a group going in through Moin and returning on the16th through Puerto Viejo, among which are traveling Dutchmen, people from Curacao, and North Americans. On Sunday, July 18, there is a group of 12 Swiss passengers that will be going in through Puerto Viejo. They come from a new agency (Kuoni Travel) that has been sending us groups, and I fear that something might happen, because when these guards see passengers with blond hair they immediately identify them as "gringos".

I do not know the final resolutions made between our Government and Nicaragua, which I hope are favorable so we can navigate freely across the San Juan River.

Thank you very much for your valuable help.

Sincerely,

Emilia Gamboa
Manager



Julio 13, 1982

14-7-82 2pm

Señor
Ekhart Peters
Vice Ministro
MINISTERIO DE RELACIONES EXTERIORES Y CULTO
S.M.

Estimado señor Vice Ministro:

Lamento mucho haber tardado tanto en reportar lo que sucedió el domingo 4 de Julio en el Puesto Fronterizo de Sarapiquí, pero lamentablemente hemos estado incomunicados debido a las lluvias en la zona que han dañado las líneas telefónicas.

En vista de la incomunicación decidimos cancelar la excursión que regresaba el 11 por Puerto Viejo, pero hoy cuando logramos conexión nos notificaron que las nuevas instrucciones dadas a los boteros por los sandinistas es que:

1. Deben de pagar el Zarpe en Barra del Colorado en la Guardia de Asistencia.

2. Traer ese zarpe al puesto Fronterizo, y cambiarlo por un nuevo zarpe que emiten ellos a un costo de $10.00 ya que argumentan que el zarpe emitido por las autoridades costarricenses queda sin valor al navegar por el Río San Juan.

3. Para tales efectos, el botero debe de subir a la caseta, que queda en una peña y para escalarla, bajo la lluvia, barro, etc. tarda aproximadamente 20 minutos subiendo y 20 bajando. Mientras tanto los clientes esperan sentados en el bote.

   Posteriormente, el botero debe de mostrar ese nuevo zarpe al guarda que está a la orilla del Río, quien entonces procede a solicitar pasaportes y a registrar equipajes y en esta maniobra se tardan aproximadamente entre 30 y 45 minutos

Señor
Ekhart Peters
Vice Ministro Relaciones Exteriores Y Culto Julio 13, 1982

Cont'd...

Los boteros me informan que en esa posada no hay argumento válido para los sandinistas y que ellos se ven obligados a hacer exactamente lo que se les ordena, por encontrarse en una zona tan aislada además de que los guardias están armados.

El próximo jueves 15 tengo un grupo entrando por Anfo y saliendo el 16 por Puerto Viejo, entre los que viajan Holandeses, gente de Curacao y norteamericanos y el domingo 18 entrando por Puerto Viejo tengo un grupo de Suizos de 12 pasajeros, procedentes de una nueva agencia (Kuoni Travel) que ha empezado a enviarnos grupos y no omito manifestar que temo que algo suceda ya que estos señores al ver cabellos rubios inmediatamente los identifican como "gringos".

Desconozco las resoluciones finales que han tomado nuestro Gobierno y el de Nicaragua, las cuales espero sean favorables para poder nosotros navegar libremente por el Río San Juan.

Muchas gracias por su valiosa ayuda.

Muy atentamente,

Emilia Gamboa
Emilia Gamboa
Gerente

Annex 226

COSTA RICAN GENERAL POLICE LAW NO. 7410, 26 MAY 1994, ARTICLES 6, 8, 24, 27-28

SOURCE : COLECCIÓN DE LEYES, DECRETOS Y REGLAMENTOS,
PRIMER SEMESTRE 1994. TOMO I
(SAN JOSÉ : IMPRENTA NACIONAL, 1994), PP. 260-261 AND 265-266

TRANSLATION

Costa Rican General Police Law No. 7410, 26 May 1994

"Article 6: Bodies

The following will be the police bodies, in charge of the public security: the Civil Guard, the Rural Assistance Guard, the Police in charge of the control of non-authorized drugs and connected activities; the Border Police, the Immigration Police, the Fiscal Control Police, the State Security Direction, the Transit Police, the Penitentiary Police and the other police corps whose competence is foreseen in the Law.

Article 8. Responsibilities

The following are general responsibilities of all police corps:

(...)

e) To act according to the principle of cooperation and mutual aid, with a view to proper coordination, in accordance with the instances and the organs foreseen to that effect.
f) To act, in a supplementary way, in the performance of the necessary emergency acts, when confronted by situations that should be attended by a specialized police corp.

(...)

Article 24. Responsibilities

The following will be the responsibilities of the Border Police:
a) To watch and safeguard the terrestrial, maritime and aerial borders, including the public buildings where immigration and customs activities are performed.
b) To ensure respect for the Political Constitution, the international treaties and the laws that guaranty the integrity of the national territory, the territorial waters, the continental shelf, the patrimonial sea or the exclusive economic zone, the aerial space and the exercise of the rights that correspond to the State.

Article 27. Establishment and competence

The Fiscal Control Police is hereby established to protect the fiscal interests of the State.

Article 28. Responsabilities

The Fiscal Control Police will have the following obligations and attributions:
a) Ensure compliance with the fiscal laws.
b) Assist the Ministry of Treasury in all tasks required to control tax evasion.
c) Carry out all type of searches in order to persecute crimes of fiscal nature. A judicial authorization will be required to perform searches and the other legal requirements must be complied with.
d) Inspect commercial establishments at any moment.
e) To ensure the respect of the Political Constitution, the international treaties, the laws and related regulations."

COLECCION DE LEYES, DECRETOS Y REGLAMENTOS

Con un Indice Numérico, Temático y Onomástico,
preparado por el Departamento de Servicios
Bibliotecarios, Documentación e Información de
la Asamblea Legislativa

PRIMER SEMESTRE 1994

TOMO I

PROPIEDAD BIBLIOTECA
Mons. Víctor Manuel Sanabria M.
ASAMBLEA LEGISLATIVA
C. R.

IMPRENTA NACIONAL
La Uruca, San José, C. R.

Dado en la Presidencia de la República.—San José, a los doce días del mes de mayo de mil novecientos noventa y cuatro.

Ejecútese y publíquese

JOSE MARIA FIGUERES OLSEN.—El Ministro de Salud, Dr. Herman Weinstok W.—C-200.—(18539).

Nº 7410

LA ASAMBLEA LEGISLATIVA DE LA REPUBLICA DE COSTA RICA

DECRETA:

LEY GENERAL DE POLICIA

TITULO I

De Las Fuerzas de Policía

CAPITULO I

Disposiciones Generales

Artículo 1.—Competencia

El Estado garantizará la seguridad pública, sin perjuicio de lo estipulado en el Título IV de la presente Ley. Al Presidente de la República y al ministro del ramo, les corresponde tomar las medidas necesarias para garantizar el orden, la defensa y la seguridad del país, así como las que aseguren la tranquilidad y el libre disfrute de las libertades públicas.

Artículo 2.—Fuerzas de policía y carácter de sus miembros

Para la vigilancia y la conservación de la seguridad pública, existirán las fuerzas de policía necesarias. Sus miembros son funcionarios públicos, simples depositarios de la autoridad. Deberán observar y cumplir, fielmente, la Constitución Política, los tratados internacionales y las leyes vigentes.

Artículo 3.—Subordinación al poder civil

Las fuerzas encargadas de la seguridad pública tendrán carácter eminentemente policial y estarán subordinadas al poder civil. El armamento y la organización de estas fuerzas serán los propios y adecuados para el buen desempeño de la función policial. Sus miembros deberán abstenerse de deliberar o manifestar proclamas al margen de la autoridad civil de la cual dependen.

Artículo 4.—Funciones

Las fuerzas de policía estarán al servicio de la comunidad; se encargarán de vigilar, conservar el orden público, prevenir las manifestaciones de delincuencia y cooperar para reprimirlas en la forma en que se determina en el ordenamiento jurídico.

Artículo 5.—Deber de colaboración y apoyo de las comunidades

Todo ciudadano está obligado a abstenerse de cualquier acto que dificulte o perturbe el cumplimiento regular de las funciones policiales.

Artículo 6.—Cuerpos

Son fuerzas de policía, encargadas de la seguridad pública, las siguientes: la Guardia Civil, la Guardia de Asistencia Rural, la policía encargada del control de drogas no autorizadas y de actividades conexas; la Policía de Fronteras, la Policía de Migración y Extranjería, la Policía del Control Fiscal, la Dirección de Seguridad del Estado, la Policía de Tránsito, la Policía Penitenciaria y las demás fuerzas de policía, cuya competencia esté prevista en la ley.

Artículo 7.—Principio de reserva de ley

La creación de competencias policiales constituye reserva de ley.

Artículo 8.—Atribuciones

Son atribuciones generales de todas las fuerzas de policía:

a) Resguardar el orden constitucional.

b) Prevenir potenciales violaciones de la integridad territorial de la República.

c) Velar por la integridad de los bienes y los derechos de la ciudadanía. d) Asegurar la vigilancia y el mantenimiento del orden público.

e) Actuar según el principio de cooperación y auxilio recíprocos, en procura de la debida coordinación, de conformidad con las instancias y los órganos previstos al efecto.

f) Actuar, supletoriamente, en la realización de los actos de emergencia necesarios, cuando se enfrenten a situaciones que deban ser atendidas por algún cuerpo policial especializado.

g) Ejecutar y hacer cumplir todo cuanto resuelvan o dispongan, en los asuntos de su competencia, los tribunales de justicia y los organismos electorales, a solicitud de estos.

h) Colaborar con los tribunales de justicia, el Ministerio Público, la Procuraduría General de la República y la Contraloría General de la República, en todas las actuaciones policiales requeridas y remitirles los elementos probatorios y los informes del caso, según corresponda.

i) Colaborar en la prevención y la represión del delito, sobre bases de reciprocidad, con las organizaciones internacionales de policía, de conformidad con los convenios vigentes.

j) Auxiliar a las comunidades, las municipalidades y las organizaciones de servicio público y colaborar con ellas en casos de emergencia nacional o conmoción pública.

k) Mantener actualizados los registros de armas, explosivos y equipos indispensables para cumplir con sus funciones.

l) Llevar los libros de registro necesarios, en los que constarán: las operaciones policiales, los responsables de esas actividades, la nómina completa del personal que intervenga en cada operativo, patrullaje o acción policial, los datos personales, las horas de ingreso y egreso de los detenidos, así como otros datos que sirvan para el adecuado control de esas operaciones.

m) Levantar y mantener actualizados los registros de armas, propiedad de particulares, permitidas por ley y otorgar los permisos para portar armas.

n) Controlar el manejo de explosivos para usos industriales mineros o recreativos.

ñ) Las demás atribuciones señaladas en la Constitución Política, los tratados internacionales, las leyes y sus reglamentos.

Artículo 9.—Facultad de allanamiento

Los cuerpos integrantes de las fuerzas de policía podrán participar en allanamientos o registros domiciliarios, de conformidad con el artículo 23 de la Constitución Política y la ley.

CAPITULO II

Principios fundamentales de la actuación policial

Artículo 10.—Principios fundamentales

En el cumplimiento de sus funciones, los miembros de las fuerzas de policía deberán respetar las siguientes normas:

b) Mantener la tranquilidad y el orden públicos.

c) Velar por la seguridad y la integridad de las personas y los bienes de los habitantes de la República.

d) Mantener el respeto por las propiedades y los demás derechos de los habitantes de la República.

e) Prevenir y reprimir la comisión de infracciones punibles dentro del territorio nacional.

SECCION IV

De la Policía de Fronteras

Artículo 23.—Creación y competencia

Créase la Policía de Fronteras, para resguardar la soberanía territorial.

Artículo 24.—Atribuciones

Son atribuciones de la Policía de Fronteras:

a) Vigilar y resguardar las fronteras terrestres, las marítimas y las aéreas, incluidas las edificaciones públicas donde se realizan actividades aduanales y migratorias.

b) Velar por el respeto a la Constitución Política, los tratados internacionales y las leyes garantes de la integridad del territorio nacional, las aguas territoriales, la plataforma continental, el mar patrimonial o la zona económica exclusiva, el espacio aéreo y el ejercicio de los derechos correspondientes al Estado.

SECCION V

De la Policía encargada del control de las drogas no autorizadas y actividades conexas

Artículo 25.—Creación y competencia

Créase la Policía encargada del control de drogas no autorizadas y actividades conexas, para prevenir los hechos punibles, contemplados en la legislación sobre estupefacientes, sustancias psicotrópicas, drogas de uso no autorizado y actividades conexas, y para cooperar con la represión de esos delitos, según las leyes.

Artículo 26.—Atribuciones

Corresponde a este cuerpo policial:

a) Investigar los hechos ilícitos relacionados con estupefacientes, sustancias psicotrópicas, drogas de uso no autorizado y actividades conexas, de conformidad con la legislación penal en vigencia, identificar, de manera preventiva, a los presuntos responsables y ponerlos a la orden de la autoridad judicial competente.

b) Levantar los informes relacionados con este tipo de delincuencia. Efectuar los decomisos, realizar todas las actuaciones policiales tendientes a esclarecer los hechos y poner a la orden de las autoridades judiciales competentes a los detenidos por estos delitos.

SECCION VI

De la Policía de Control Fiscal

Artículo 27.—Creación y competencia

Créase la Policía de Control Fiscal para proteger los intereses tributarios del Estado.

Artículo 28.—Atribuciones

Son obligaciones y atribuciones de la Policía de Control Fiscal:

a) Garantizar el cumplimiento de las leyes fiscales.

b) Auxiliar al Ministerio de Hacienda, en todo cuanto requiera para controlar la evasión tributaria.

c) Realizar todo tipo de allanamientos, para perseguir delitos de naturaleza tributaria. Para efectuar los allanamientos debe contar con la autorización judicial y cumplir con las demás condiciones legales.

d) Inspeccionar los establecimientos comerciales en cualquier momento.

e) Velar por el respeto a la Constitución Política, los tratados internacionales, las leyes y los reglamentos respectivos.

SECCION VII

De la Policia de Migración y Extranjeria

Articulo 29.—Competencia

La Policía de Migración y Extranjería se encargará de la vigilancia y el control migratorio de nacionales y extranjeros, conforme a las disposiciones legales vigentes.

Articulo 30.—Atribuciones

Son obligaciones y atribuciones especificas de este cuerpo policial:

a) Velar por el cumplimiento y la observancia de la Constitución Política, los tratados internacionales, las leyes sobre migración y sus reglamentos. b) Ejecutar las resoluciones judiciales y administrativas que se dicten sobre esta materia, conforme a derecho.

c) Ejercer las funciones policiales requeridas para ejecutar las leyes sobre migración y extranjería con la debida observancia de la Constitución Política, los tratados y los convenios internacionales, las leyes y sus reglamentos.

SECCION VIII

De la Policia Penitenciaria

Articulo 31.—Competencia

La Policía Penitenciaria será la encargada de vigilar y controlar todos los centros penitenciarios del país, de conformidad con los principios que determinen la Constitución Política, los tratados internacionales, las leyes y sus reglamentos.

SECCION IX

De la Policia de Tránsito

Articulo 32.—Competencia

La Policía de Tránsito se encargará de la vigilancia y el mantenimiento del orden en las vías públicas del país, de conformidad con los principios que determinen la Constitución Política, los tratados internacionales, las leyes y sus reglamentos.

CAPITULO III

De la Reserva de las Fuerzas de Policia

Articulo 33.—Naturaleza de la Reserva

El Presidente de la República podrá organizar y convocar, con carácter transitorio, a la Reserva de las fuerzas de policía, como cuerpo auxiliar extraordinario, con carácter ad honorem, para atender estados de emergencia o situaciones excepcionales.

Articulo 34.—Subordinación

La Reserva de las fuerzas de policía estará subordinada, en grado inmediato, al ministro respectivo.

Articulo 35.—Registro de miembros

Annex 227

FIRST COMMANDER, MAJOR HUGO ESPINOZA RODRÍGUEZ, ATLANTIC COMMAND, SARAPIQUÍ, TO BORDER POLICE GENERAL DIRECTOR, COLONEL MAX CAYETANO VEGA-MORALES, OFFICIAL COMMUNICATION -3054-98, P.F.S., 18 DECEMBER 1998

TRANSLATION

Ministry of Public Security
Atlantic Command
Official Communication -3054-98 P.F.S.

Sarapiquí, December 18, 1998

Mr.
Max Cayetano Vega-Morales, Colonel
Border Police General Director

Dear Sir:

With all due respect, I am pleased to send you the report of the journeys conducted on the San Juan River, including all the trips during the past administration from 93 through 98. No anomalies were reported during 1993, but only routine work, for example: (RELIEF OF PERSONNEL). During the 94 period, according to the minute books comprehensive of two hundred pages reporting on travels during the months of January, February, March, April, May, June and July, and from Tuesday, July 26 of 1994 through 17-03-95, no anomalies were reported either, but only activities related to the relief of personnel. However, activities were recorded on the San Juan River during the remaining months of the year 94, that is, AUGUST, SEPTEMBER, OCTOBER, NOVEMBER AND DECEMBER.

BORDER INSPECTION BY DELEGATION OF THE PUBLIC SECURITY MINISTRY

This was reported on (26-07-94) Personnel of the Atlantic Command was mobilized through the San Juan River going from the BOCA DE SARAPIQUÍ POST to the DELTA COSTA RICA POST at 13:15 hours. No occurrences were reported. On 03-08-94, the ATLANTIC COMMAND delegation departed at 13:45 hours for a border inspection toward the DELTA COSTA RICA POST on vessel M.A.#2 with vessel operator ENRIQUEZ under the command of Colonel WALTER MONGE RODRÍGUEZ, who was also accompanied by Captain WILLIAM BENAVIDES LÓPEZ AND A POLICE OFFICER. No special occurrences. On 05-08-94, the above-mentioned delegation travelled from the BARRA SUR COLORADO POST to the DELTA COSTA RICA POST, and immediately afterwards continued its journey to the ATLANTIC COMMAND. No special occurrences.

LOGISTICS PROVISION DELEGATION

On 06-08-94 at 05:30 hours, the Atlantic Command delegation departed on vessel M.A.#2 operated by OFFICER MIGUEL CRUZ DÍAZ from the DELTA COSTA RICA POST to the BOCA SARAPIQUÍ POST with the purpose of providing logistics to said POST, no special occurrences. On that same day, it is recorded that the same vessel departed from the BARRA SUR POST to the ATLANTIC COMMAND POST at 08:00 hours, no special occurrences.

BORDER INSPECTION DELEGATION

On 08-08-94, the ATLANTIC COMMAND DELEGATION departed at 05:00 hours on vessel M.A.#2 operated by CRUZ DÍAZ for BORDER POST relief operations through the San Juan River with no special occurrences.

BORDER RELIEF DELEGATION

On 09-08-94, vessel M.A.#2 returned to the ATLANTIC COMMAND with no special occurrences. On 29-08-94 at 05:00 hours, the ATLANTIC COMMAND DELEGATION departed with the purpose of making border staff relief, with no special occurrences.

LOGISTICS DELEGATION

On 22-09-94, at 05:00 hours, the ATLANTIC COMMAND DELEGATION left on vessel M.A.#2 operated by ENRÍQUEZ under the command of Lieutenant JOSÉ LEIVA and officer CARLOS ESCALANTE with the mission of providing logistics to the BORDER POSTS with no special occurrences.

DELEGATION OF THE SANDINSTA POPULAR ARMY AND THE MINISTRY OF NATURAL RESOURCES, ENERGY AND MINES (MIRENEM)

MEETING

On 23-09-94, at 09:30 hours, a vessel belonging to the NICARAGUAN IMMIGRATION AUTHORITIES of the Sandinista Popular Army is reported to the BOCA DE SARAPIQUÍ POST. The vessel requested permission to enter the COSTA RICAN territory through inland waterway with the purpose of attending a meeting at the ATLANTIC COMMAND. COLONEL WALTER MONGE RODRÍGUEZ, FIRST COMMANDER of the Unit is notified thereof and he himself authorizes this Unit to enter our territory without arms. The Unit is integrated by VESSEL OPERATOR GONZALO LAZO, LEUTENANT

VICENTE ESPINOZA MEDINA, IMMIGRATION DIRECTOR OF THE SANDINISTA ARMY, and soldier DONALD NORMAN BLANDON. The meeting was held at the 11:00 hours at the ATLANTIC COMMAND.

DELEGATION OF THE MINISTRY OF PUBLIC SECURITY COMMANDAND THE SANDINISTA POPULAR ARMY MEETING

On 25-09-94, at 05:00 hours, Corporal AMADOR VIALES from the BOCA DE SARAPIQUÍ POST reports to the ATLANTIC COMMAND that there is a delegation at the post integrated by the Sandinista Popular Army POST CHIEF COMMANDER, LIEUTENANT JOSÉ MATEO AMADOR SOSSA, vessel operator JOHNNY LAZO, requesting permission to enter the COSTA RICAN territory through inland waterway in order to attend a meeting at the ATLANTIC COMMAND. COLONEL MONGE is immediately notified thereof, who in turn authorizes the entrance of the vessel without ARMS and the meeting is held at the ATLANTIC COMMAND at the 08:00 hours.

VISITING DELEGATION

On 27-09-94, at 05:00 hours, a visiting delegation departed for the BORDER POSTS through the SAN JUAN RIVER on a personal vessel of D.G. 7 Colonel JUAN FÉLIX BARRANTES, who was accompanied by CAPTAIN WILLIAM BENAVIDES, SARGEANT MARIO GRANADOS, and Officer DENNIS VILLALOBOS, with no special occurrences.

SPECIAL COMMISSION

On 10-11-94, at 10:10 hours, delegation M.A. #2 departed for the BORDER POSTS THROUGH THE SAN JUAN RIVER, with vessel operator LEOCADIO MEDAL under the command of COLONEL SERGIO BARQUERO, DEPUTY DIRECTOR OF THE BORDER POLICE OF THE MINISTRY OF PUBLIC SECURITY. They were accompanied by COLONEL WALTER MONGE, and an officer of the JUDICIAL INVESTIGATION BUREAU, GERARDO CASTAÑO-LÓPEZ, and two security officers of the ATLANTIC COMMAND. Special commission without occurrences.

BORDER INSPECTION DELEGATION

On 22-12-94, at 12:30 hours, a delegation departed from the ATLANTIC COMMAND on vessel M.A. #2 integrated by vessel operator ENRÍQUEZ, LIEUTENANT MAGNUM MORA, SARGEANT MARIO GRANADOS, AND OFFICER JUAN MATARRITA with destination to the BARRA DEL COLORADO POST. The unit navigated the SAN JUAN RIVER, with no special occurrences.

SPECIAL COMMISSION

On 22-12-94, at 17:30 hours, Delegation M.A. #2 integrated by Sergeant MARIO GRANADOS, vessel operator LUIS GUZMÁN and two officers of the Judicial Investigation Bureau of Siquirres, Limón, departed on a special commission with destination to BARRA DEL COLORADO. The delegation navigated the SAN JUAN RIVER. **End of the 94 period.**

PERIOD OF 1995

Starting on 01-01-95 until 30-12-95, according to the registry on the minute book comprehensive of three hundred pages, the following is recorded.

ACTIVITIES ON THE SAN JUAN RIVER

Which comprise Costa Rican and the Sandinista Popular Army delegations, border relief logistics provision to the Border Posts, operations, classes, evictions, patrolling, border inspections, rescuing operations, meetings between the Costa Rican Atlantic Command and the Sandinista Popular Army, delegations, visitors from the Ministry of Public Security, situation of undocumented CUBAN citizens and CASTAWAYS who were in custody at the BARRA DEL COLORADO POST, visits of Costa Rican delegations and National Security personnel to the Border area; COSTA RICAN BORDER SPECIAL delegations, joint operations on the SAN JUAN RIVER by Costa Rica and the Sandinista Popular Army.

MEETING OF THE COSTA RICAN MINISTRY OF RESOURCES, ENERGY AND MINES (MIRENEM) AND THE SANDINISTA POPULAR ARMY RELATED TO THE SEIZURE OF A BOAT

On 01-01-95, at 04:40 hours, the Lieutenant of the Sandinista Popular Army serving in the area of BOCA DE SARAPIQUÍ requests the FIRST COMMANDER OF THE ATLANTIC COMMAND, COLONEL WALTER MONGE RODRÍGUEZ, permission to enter the Costa Rican territory by inland waterway, specifically to the area of BARRA DEL COLORADO SUR in order to hold a meeting with officials from MIRENEM regarding the seizure by MIRENEM of a vessel with seafood (SHRIMP AND LOBSTER), since this vessel was seized on NICARAGUAN WATERS without their permission. At 06:00 hours COLONEL WALTER MONGE granted the authorization requested by the Sandinista Popular Army and stated that they were authorized to enter that jurisdiction provided that they did not bear any arms. At the 10:00 hours they entered BARRA DEL COLORADO. Operations were conducted under normal situations while navigating the SAN JUAN RIVER.

BORDER RELIEF DELEGATION

On 17-01-95, at 04:50 hours, the M.A. #2 vessel operated by MEDAL returned from Border Posts DELTA #7, PUERTO LINDO, DELTA #8, DELTA COSTA RICA, DELTA #9 BOCA DE SARAPIQUÍ with the purpose of conducting post relief travelling on the San Juan River, personnel Corporal EDDY PRADO and eight OFFICERS with destination to DELTA # 0. No special occurrences.

COMMNUNICATIONS DELEGATION

On 18-01-95, at 05:00 hours, a COMMAND DELEGATION departed with destination to the Posts along the border with NICARAGUA, COMMUNICATIONS delegation vessel M.A. #2, operated by MEDAL, CORPORAL ALVARADO with destination to DELTA #9 BOCA SARAPIQUÍ, DELTA # 8, DELTA COSTA RICA, DELTA # 7, PUERTO LINDO AND DELTA # 6, AGUA DULCE, with the purpose of installing KENWOOD COMMUNICATION RADIO EQUPMENT. At 11:00 hours they returned to DELTA # 0, no special occurrences.

MINISTRY OF PUBLIC SECURITY AND SANDINISTA POPULAR ARMY DELEGATIONS MEETING

On 25-01-95, at 11:00 hours, COLONEL MONGE and some other officers travelled on the SARAPIQUÍ RIVER toward NICARAGUAN waters with the purpose of holding a meeting at the POST OF THE SANDINISTA POPULAR ARMY at the BOCA DE SARAPIQUÍ area. He met with MAJOR MEMBREÑO of the SANDINISTA POPULAR ARMY. Everything taking place with no special occurrences.

MINISTRY OF PUBLIC SECURITY DELEGATION

On 30-01-95, at 05:15 hours, a delegation left on vessel S.P-251, COLONEL SERGIO BARQUERO, DEPUTY DIRECTOR OF THE BORDER POLICE, LIEUTENANT JOSÉ LEIVA, vessel operator MEDAL and two officers of the DELTA # 0 POST. The delegation left with destination to BARRA DEL COLORADO in order to visit the BORDER POSTS and it arrived at BARRA DEL COLORADO DELTA # 4 on that same date.

VISITING DELEGATION

On 10-02-95, at 07:45 hours, a delegation left from DELTA # 0 to DELTA # 4 COLONEL MONGE; vessel operator MEDAL; CHIEF OFFICER OF THE MINISTRY OF PUBLIC SECURITY, VILMA GRANADOS; EDUARDO PÉREZ; IMMIGRATION OFFICER ARNOLDO GRANADOS, and two officers of D/ 0, travelling on the SAN JUAN RIVER and returning to D # 0 at 12:51 hours, no special occurrences.

PATROLLING COMMISSION

On 01-03-95, at 09:29 hours, a patrolling commission left from D # 0 to D # 4 on vessel M.A. # 2, vessel operator MEDAL, Capt. BENAVIDES, officers: MARVIN PORRAS, DENNIS VILLALOBOS. Then, at 11:00 hours by order of the COMMANDER, these officers travelled, via the SAN JUAN RIVER, with destination to the areas of CUREÑA AND BOCA TAPADA, with the purpose of inspecting the zone. The commission returned at 14:30 hours, with no special occurrences.

THE MINISTRY OF PUBLIC SECURITY AND THE SANDINISTA POPULAR ARMY DELEGATIONS MEETING

On 04-03-95, at 08:05 hours, departs delegation in M. A. # 2, vessel operator MEDAL, COLONEL MONGE, CAPTAIN BENAVIDES and five officers, with destination SANDINISTA POPULAR ARMY DELTA COSTA RICA POST, for a meeting with LIEUTENANT LAGOS of the military joint staff of NICARAGUA. The meeting was held at the 10:05 hours, via SAN JUAN RIVER.

VISITING DELEGATION

On 16-03-95, at 08:30 hours, departs delegation de DELTA # 0, on vessel M. A. # 1, vessel operator ENRIQUEZ, COLONEL MONGE, COLONEL LING PAI VINDAS, ARMS DIRECTOR OF THE MINISTRY OF PUBLIC SECURITY, MAJOR RAMÓN BALTODANO-CENTENO, SERGEANT ARTURO BENAVIDES, SERGEANT ARIAS and four additional officers of DELTA # 0, with destination BARRA DEL COLORADO, via SAN JUAN RIVER, with no special occurrences.

UNDOCUMENTED CUBANS AT BARRA DEL COLORADO
CUBAN CASTAWAYS

On 26-03-95, at 03:00 hours, officer MATAMOROS from the BARRA DEL COLORADO POST reported that around #14 immigrants of CUBAN nationality entered through the Bocana area, 09 of which were men and five of which were women. All of them were shipwrecked on COSTA RICAN waters. For this reason, they were taken to DELTA # 4 and then to DELTA # 0 through the SAN JUAN RIVER on 28-03-95 at 11:00 hours. These citizens came from the GRAN CAIMAN ISLAND, CUBA.

BORDER OFFICERS DELEGATION

On 07-04-95, at 07:00, departed delegation from D # 0 to D # 4, vessel operator ENRÍQUEZ, COLONEL JIMÉNEZ, and border OFFICERS of the Ministry of Public Security and two officers of DELTA # 0, via SAN JUAN RIVER.

MINISTRY OF PUBLIC SECURITY, COMMAND AND THE SANDINISTA POPULAR ARMY DELEGATION

On 08-04-95, at 08:00 hours, the Sandinista Popular Army requested an authorization at the BOCA SARAPIQUÍ POST, DELTA # 9 in order to travel to DELTA # 0 through the river. The delegation is integrated by FIRST LIEUTENANT BALLARDO WATUS-PÉREZ, LIEUTENANT DOMINGO JOSÉ RISSO-GARCÍA, LIEUTENANT DOMINGO LAGOS-HERNÁNDEZ, and vessel operator RISSO, of the military joint staff of the Sandinista Popular Army. Colonel MONGE was informed of the request and he stated that the meeting would be held at the facilities of the COMAND ATLANTIC on 09-04-95.

PATROLLING DELEGATION OF THE COMMAND AND SANDINISTA POPULAR ARMY

On 09-04-95, at 09:15 hours, departs delegation with destination DELTA COSTA RICA on vessel M.A. # 2, vessel operator ENRÍQUEZ, under the command of CORPORAL HUGO ESPINOZA RODRIGUEZ, and two officers TO BOCA DEL SARAPIQUÍ with the purpose of meeting with the OFFICERSS of the SANDINISTA POPULAR ARMY. Vessel operator FELIPE GONZÁLEZ, LIEUTENANT WATUS BLAZO, LIEUTENANT GARCÍA and two SOLDIERS to DELTA COSTA RICA and the surrounding areas of BOCA SARAPIQUÍ for patrolling in the zone.

VISITING DELEGATION

On 10-04-95, at 11:45, departs from DELTA # 0, the delegation on vessel M.A. # 1, vessel operator MEDAL, COLONEL FERNANDO MUÑOZ, CHAPLAIN OF THE PUBLIC FORCE and two officers of D # 0 with the purpose of visiting the BORDER POSTS, via SAN JUAN RIVER.

On 11-04-95, at 05:00 hours, Colonel MONGE and Colonel JUAN FÉLIX BARRANTES depart on vessel M.A. # 1, vessel operator MEDAL and four officers to visit the Border posts, via SAN JUAN RIVER.

RESCUE OPERATION DELEGATION ON THE SAN JUAN RIVER

On13-06-95, at 09:00 hours, a delegation left from DELTA # 0 on M.A. # 1, vessel operator MEDAL, SERGEANT MARIO GRANADOS, three officers of DELTA # 0, an OFFICER OF THE JUDICIAL INVESTIGATION BUREAU OF PUERTO VIEJO, MARIO BUSTAMANTE. They informed the post of the Sandinista Popular Army, located at BOCA DE SARAPIQUÍ, that they were heading DELTA COSTA RICA in order to pick up a BODY on the SAN JUAN RIVER.

DELEGATION OF THE COMMAND AND THE SANDINISTA POPULAR ARMY PATROLLING OPERATION

On 14-06-95, at 14:25, a delegation left DELTA # 0 on vessel M.A. # 2, vessel operator ENRÍQUEZ, CAPTAIN BENAVIDEZ, LIEUTENANT BENAVIDEZ, LIEUTENANT HIDALGO and four officers, for a joint patrolling operation in coordination with the Sandinista Popular Army in CUREÑA AREA.

NAVIGATION MATTERS

On 15-06-95, at 08:20 hours, the chief of the Post of BOCA DE SARAPIQUÍ, DELTA # 9 informed that he received reports from COSTA RICAN residents of the area who stated that the officials of the Sandinista Popular Army were charging them entry and exit toll at the SAN JUAN RIVER, either for short or long trips. The second Commander of the Atlantic Command, Captain BENAVIDES, was notified.

RESCUE DELEGATION

On 26-06-95, at 14:53 hours, departs delegation from DELTA # 0 with destination to DELTA # 8 on vessel M.A. # 2, vessel operator ENRÍQUEZ, Sergeant ROMERO, three police officers and two officials of the Judicial Investigation Bureau of Puerto Viejo: OFFICIAL MORA, OFFICIAL BUSTAMANTE, as well as MAYORESS PATRICIA BARQUERO. They went to CAÑO TAMBOR, DELTA COSTA RICA to pick up a Body (navigating on the San Juan River).

PATROLLING DELEGATION OF THE COMMAND AND THE SANDINISTA POPULAR ARMY

On 27-06-95, at 8:00 hours, departs delegation from DELTA # 0 with destination to the place known as BANDERAS in COSTA RICA. The delegation on vessel M.A. # 3, vessel operator ENRÍQUEZ, CAPTAIN BRIONES and nine officers in coordination with the Sandinista Popular Army with the purpose of patrolling the area, navigating on the SAN JUAN RIVER.

COMMAND DELEGATION
BORDER PATROLLING AND EVICTION OPERATION

On 29-06-95, at 13:45, departs delegation from DELTA # 0 to CAÑO MADRE, DELTA COSTA RICA with the purpose to practice an eviction in a farm. Delegation on vessel M.A. # 1, vessel operator ENRÍQUEZ, CORPORAL VALVERDE and Officers MAINOR VARGAS and LUIS LARA. The SAN JUAN was navigated.

COMMAND AND NATIONAL SECURITY DELEGATION BORDER AREA

On 07-07-95, at 08:35, departs delegation from DELTA # 0 with destination to DELTA # 5 on vessel M. A. # 1 with vessel operator LUIS GUZMÁN, in charge is the officer MAINOR VARGAS, LUIS LARA and SEBASTIÁN DÍAS and their purpose was to maintain this water Unit at a wharf close to BARRA DE TORTUGUERO where they would wait for some NATIONAL SECURITY officers who would be taken to DELTA # 5 IN ORDER TO CARRY OUT A SPECIAL ASSIGNMENT ON THE SAN JUAN RIVER.

RESCUE DELEGATION OF THE COMMAND AND THE SANDINISTA POPULAR ARMY NICARAGUAN TERRITORY

On 08-07-95, at 04:40 hours, a delegation left from DELTA # 0 to DELTA # 8 on M.A. # 2, vessel operator MEDAL, LIEUTENANT HIDALGO, CORPORAL VALVERDE, an officer and THE RED CROSS OF PUERTO VIEJO with the purpose of penetrating the NICARAGUAN territory with due AUTHORIZATION of the SANDINISTA POPULAR ARMY. The objective is to rescue the following persons: DOCTOR ALFREDO LÓPEZ-SALAZAR, 39 years of age; PAUL SIRLEY (U.S.A.); as well as Colonel GUILLERMO ARROYO, CHIEF OFFICER OF THE RED CROSS OF COSTA RICA. These persons had been shipwrecked on Sunday, 02-07-95. They were located and rescued alive, navigating on the SAN JUAN RIVER.

DELEGATION OF THE MINISTRY OF PUBLIC SECURITY

On 08-07-95, at 05:00 hours, a delegation left DELTA # 0 with destination to DELTA # 4 on M.A. # 3, vessel operator MEDAL, COLONEL BARRANTES, COLONEL BARQUERO, PRESS STAFF OF THE MINISTRY OF PUBLIC SECURITY, and four officers from DELTA # 0, navigating on the SAN JUAN RIVER.

COMMAND DELEGATION EVICTION OPERATION

On 09-08-95, at 04:20 hours, a delegation departed from DELTA # 0 with destination to DELTA # 5 in TORTUGUERO, on M. A. # 2, vessel operator MEDAL, SERGEANT ORDÓÑEZ and eight officers with the purpose of carrying out an eviction in a farm of the NEOTROPIC FOUNDATION, navigating on the SAN JUAN RIVER.

MEETING OF THE COMMAND AND THE SANDINISTA POPULAR ARMY DELEGATION

On 10-08-95, at 05:45 hours, the BOCA DE SARAPIQUÍ informed that the delegation of the Sandinista Popular Army, integrated by MAYOR GONZÁLEZ, SECOND CHIEF OF THE SOUTH MILITARY DETACHMENT IN SAN CARLOS DE NICARAGUA, CAPTAIN DASILVA and VESSEL OPERATOR GONZÁLEZ travelled by water without ARMS to the ATLANTIC COMMAND, with the authorization of COLONEL MONGE, for a meeting that took place at the 07:18 hours.

DELEGATION OF THE MINISTRY OF PUBLIC SECURITY VISIT TO THE BORDER

On 18-10-95, at 05:15 HOURS, departs delegation from Delta # 0 to Delta # 4 on vessel M. A. # 3, vessel operator MEDAL, MAJOR JOSÉ BENITO MONGE LÓPEZ, the FIRST ACTING COMMANDER of the Delta # 0 Unit, this new order, and two officers, navigating on the SAN JUAN RIVER.

BORDER DELEGATION OF THE MINISTRY OF PUBLIC SECURITY

On19-10-95, at 15:40 HOURS, a delegation left from Delta # 0 with destination to the various border posts on VESSEL M.A. 2, vessel operator MEDAL, COLONEL MONGE, and OFFICERS GUILLERMO CORDERO and SARA CHAVARRÍA. This staff is part of the supervision of the Ministry of Public Security, and two officers of Delta # 0, navigating the SAN JUAN RIVER.

NAVAL PATROLLING COMMAND DELEGATION

On 20-10-95, at 08:55 HOURS, a delegation left from Delta # 0 to Delta # 4, on vessel S P 658, vessel operator Dennys Villalobos, Captain Méndez and officers Luis Mora, Marvin Rojas, naval patrolling operation in the border area with Nicaragua, navigating on the San Juan River, returning to Delta # 0 at 12:15 HOURS, with no special occurrences.

COMMAND COOPERATION WITH THE SANDINISTA POPULAR ARMY AT THE BORDER

On 01-11-95, at 09:32 Hours, a delegation left from Delta # 0 on vessel M.A. # 1, vessel operator Enríquez, officer Teodorico Salazar from Delta # 0, with destination to the Post of the Sandinista Popular Army at the Mouth of the Sarapiquí River with the purpose of transporting a Nicaraguan soldier named Francisco Bermúdez, who had suffered an accident with a fire arm a few days ago and who had been taken to the Hospital of Guápiles in Costa Rica in order to be provided with the required assistance by the Atlantic Command.

COMMAND DELEGATION
BORDER STAFF RELIEF MATTERS

On 12-12-95, at 05:00 Hours, the border staff relief changes were made at the posts of Delta # 4, Delta # 5, Delta # 6, Delta # 7 and Delta # 8, which cover the jurisdictions of Barra del Colorado, Barra del Tortuguero, Puerto Lindo and Delta Costa Rica. The shift changes were made on vessel M. A. # 2, vessel operator Enríquez, Lieutenant José Leiva and the rest of the staff, who navigated the San Juan River without incidents.

TRACKING OPERATION OF UNDOCUMENTED IMMIGRANTS AT THE BORDER
ATLANTIC COMMAND DELEGATION

On 21-12-95, at 06:00 Hours, a delegation of the Atlantic Command departed toward Delta Costa Rica on vessel M. A. 3, vessel operator Enríquez, Sergeant Mario Hernández and fifteen officers with the purpose of assisting Corporal Matamoros who was holding a group of forty-one undocumented Nicaraguan citizens across from the cemetery of La Tigra on the margin of the San Juan River. According to the information provided, these persons came from the area of San Juan del Norte on a flat boat. They were transported to Delta # 0 and the corresponding procedures were coordinated with the Immigration authorities of Costa Rica.

MEETING OF THE ATLANTIC COMMAND WITH THE SANDINISTA POPULAR ARMY AT THE BORDER

On 30-12-95, at 08:00 hours, departs a delegation from Delta # 0 to Delta # 9 at the Mouth of the Sarapiquí River on vessel M. A. # 1 with vessel operator Enríquez, Colonel Monge, Lieutenant Leiva, Sergeant Ordóñez and three officers of Delta # 0 with the purpose of meeting with the commander of the

South Military Detachment of Nicaragua and with Major Membreño of the Sandinista Popular Army. The meeting was held at the 10:30 Hours of this current month and year, with no special occurrences.

CLOSING OF THE YEAR 1995
TAKEN FROM THE MINUTE BOOKS
COMPREHENSIVE OF THREE HUNDRED PAGES
AND DATED FROM 01-01-95
THROUGH 3[illegible]-12-95

BEGINNING PERIOD OF 1996

According to the records, the minute books for this period contain three hundred pages with reports dated from 01-01-96 through 30-12-96.

MINISTRY OF PUBLIC SECURITY DELEGATION IN BORDER

On 05-01-96, at 15:00 hours, departs delegation from Delta # 0 on vessel M.A. # 2, vessel operator Medal, Colonel Walter Monge, Major Pizarro, Captain Allón and ten officers with destination Cureña and Boca Tapada, travelling along the border posts to finally arrive at the aforementioned posts, navigating the San Juan River, with no special occurrences.

ATLANTIC COMMAND BORDER DELEGATION
TRACKING AND PATROLING OPERATION IN THE AREA

On 08-01-96, at 14:00 hours, departs delegation from Delta # 0 to the area of Boca Tapada on vessel M.A. # 3 with vessel operator Medal, Colonel Valerio, Captain Alpízar, Sergeant Vásquez, Sergeant Carlos Villegas, Sergeant Eliécer Méndez, and five officers of Delta # 0, with the purpose of conducting an operation in the area of Río Niño, which is adjacent to Boca Tapada de San Carlos, for tracking undocumented and patrolling the area, with no relevant events.

BORDER STAFF RELIEF CHANGES USING THE SAN JUAN RIVER

On 13-01-96, at 05:00 Hours, the border staff relief changes were made at the following Delta Posts: Delta # 9, Delta # 8, Delta # 7, Delta # 5, Delta # 6, Delta # 16 and Delta # 19. With no special occurrences and without any incidents while navigating the San Juan River in the jurisdictions of Boca del Río Sarapiquí, Delta Costa Rica, Puerto Lindo, Agua Dulce, Barra del Colorado, Tortuguero, Pangola, Boca Tapada.

BORDER STAFF RELIEF CHANGES

On 01-02-96, at 05:00 hours, advanced border staff relief changes were made on vessel M.A. # 2, vessel operator Medal and personnel of Delta # 0 at the following Delta Posts: Delta # 4, Barra del Colorado, Delta # 5, Barra del Tortuguero, Delta # 7, Puerto Lindo, Delta # 8, Delta Costa Rica; Delta # 9, Boca del Río Sarapiquí, via the San Juan River with no special occurrences.

NAVIGATION ALONG THE SAN JUAN RIVER AND MEETING

On 25-02-96, at 08:50 hours, a delegation left from Delta # 0 to Delta # 4 at Barra del Colorado on vessel M.A. # 1, vessel operator Medal, Captain Briones, Colonel Pérez, Colonel Salazar, Major Medina and four officers from Delta # 0 with the purpose of holding a meeting with the Community of Barra del Colorado, navigating on the San Juan River, with no special occurrences.

BORDER SUPERVISION OPERATION BY COMMAND DELEGATION NAVIGATING ON THE SAN JUAN RIVER

On 27-02-96, at 07:05 hours, a delegation left from Delta # 4 to Delta # 0 on vessel M.A. # 1; vessel operator Medal and four officers with the purpose of supervising the Border Posts. With no special occurrences to be reported.

BORDER DELEGATION INTEGRATED BY THE RELATIVES OF THE DUTCH WOMEN KIDNAPPED AT BOCA TAPADA, PITAL, SAN CARLOS

On 29-02-96, at 09:25 hours, a civil vessel was seen on the river at Boca Tapada, flying the German flag, the Swiss flag, a white peace flag, and the Costa Rican flag. The relatives of the kidnapped Dutch citizens were aboard and the vessel requested authorization to go through the Border Posts. Colonel Monge, First Commander of the Atlantic Command was informed of the situation and he instructed the Costa Rican Border Posts that belong to the Atlantic Command to authorize the passage of the vessel through Border Posts Delta # 17, Delta # 9, Delta # 7, Delta # 8 and Delta # 4. Such posts were instructed to stay out of the situation.

TRAVEL OF THE RELATIVES OF THE DUTCH WOMEN KIDNAPPED AT BOCA TAPADA

On 29-02-96, at 15:00 hours, a report informed that the vessel carrying the relatives of the kidnapped women had arrived at Delta # 4 and that they stayed at a hotel in the area whose owner is Mr. Memo Cunigann. They were provided the required police assistance by officers of the Atlantic Command.

COOPERATION OF THE ATLANTIC COMMAND WITH THE SANDINISTA POPULAR ARMY TRACKING AND CAPTURE

On 29-02-96, at 17:05 hours, Lieutenant Cortéz of the Sandinista Popular Army informed from the post located in the Delta Costa Rica area that, at 13:00 hours of that day, two soldiers of his Post had deserted. The names of those soldiers were Roberto Carlos Olvendo and Yimmy Jhon Venegas. Said Lieutenant of the Sandinista Popular Army requested the cooperation of the Atlantic Command from the Costa Rican authorities. Colonel Monge of the Atlantic Command was immediately informed of the situation, who stated that he would send a patrol unit to the river during the first hours of the next day, 30-02-96, in order to cooperate with the Sandinista Popular Army with the capturing of the soldiers in the area of el Jobo, Delta Costa Rica, located within Costa Rican jurisdiction.

On 30-02-96, at 05:00 hours, a delegation left from Delta # 0 to Delta Costa Rica on vessel M.A. # 3, vessel operator Medal, Lieutenant José Leiva Jiménez and ten officers with destination to the area of el Jobo of Delta Costa Rica with the purpose of tracking and capturing the abovementioned soldiers.

EVICTION OPERATION BY ATLANTIC COMMAND DELEGATION

On 06-03-96, at 05:00 hours, departs delegation from Delta # 0 of the Atlantic Command, with destination to Delta # 5 in Barra del Tortuguero on vessel M.A. # 1, vessel operator Leocadio Medal Alemán, Sergeant Ordóñez and eleven officers from Delta # 0, to Fundación Neotrópica located in the abovementioned area, to conduct an eviction in normal conditions, navigating on the San Juan River.

RELATIVES DELEGATION OF THE KIDNAPPED WOMEN

On 07-03-96, at 09:26 hours, the Boca Tapada Post in Pital, San Carlos, reported that a vessel named Río San Carlos departed with destination to Barra de Colorado, with vessel operator José Luis Herrera-Morales, accompanied by Walter Artavia López. Both travelled with relatives and friends of the women who were kidnapped on January 01-01-96. The priest from Pital, Fernando Bolaños, was also on board. The Border Posts stay out of the situation.

CHANNEL 7 DELEGATION AT THE BORDER REGION

On 08-03-96, at 11:47 hours, vessel M.A. # 2 of the Atlantic Command saw Greivin Moya, a journalist of Channel 7, navigating Costa Rican waters. He had left from Boca Tapada together with four other journalists with destination to Boca de Sarapiquí. This vessel was seen later at Caño Tambor at 11:50 hours and police security was provided to them in the area.

TRAVEL DELEGATION OF MRS. SIGFREID'S HUSBAND

On 11-03-96, at 11:10 hours, the husband of Mrs. Susana Sigfried, who had been kidnapped a few days before, arrived at the Boca Tapada Post. Susana Sigfried's husband, José Luis Herrera-Peter, was accompanied by Father Bolaños and both were travelling downstream on the San Juan River.

RELEASE OF THE KIDNAPPED DUTCH WOMEN

On 12-03-96, at 09:43 hours, Post Delta # 17 reported that the vessel named Río San Carlos passed by that Post as it was navigating Costa Rican waters. Aboard the vessel were boatman José Herrera-Peter, Father Bolaños, and the Dutch women who had already been released and whose names were Susana Sigfreid and Nicola Frevehaus.

ASSISTANCE PROVIDED BY DELTA # 0 TO AN OFFICER OF THE SANDINISTA POPULAR ARMY WHO DIED ON COSTA RICAN WATERS

On 25-03-96, at 23:12 hours, Officers Mainor Vargas-Alfaro and Danilo Castillo-Zamora of Delta # 8, Delta Costa Rica Post, reported that they were informed by two soldiers of the Sandinista Popular Army of Nicaragua, said soldiers of names Juan Brein Flores and José Enrique Ortega, indicating that one of their boats had overturned and that Lieutenant José Manuel Acevedo-Cortéz, Chief of the Post of the Sandinista Popular Army located in the area of Delta Costa Rica, who was travelling with them at the moment, had drowned near Costa Rican waters, according to the soldiers. First Commander of the Atlantic Command, Colonel Walter Monge, was immediately notified of the situation, who said that he would send a boat patrol unit to the area the following day, to assist the Officers of the Sandinista Popular Army with the search Lieutenant Acevedo's body.

DELEGATION OF THE ATLANTIC COMMAND AND THE SANDINISTA POPULAR ARMY SEARCH OF THE MISSING OFFICER'S BODY

On 26-03-96, at 05:00 hours, a delegation left from Delta # 0 to the Delta Costa Rica area on vessel M.A. # 2 with vessel operator Leocadio Medal Alemán, Lieutenant Hidalgo and Marvin Vargas, who were accompanied by Lieutenant Jarquín of the Sandinista Popular Army, Chief of the Post at Boca de Sarapiquí. The delegation arrived from Delta Zero to Delta # 8 at 07:30 hours, and the body of Lieutenant Acevedo, officer of the Sandinista Army, appeared at 09:00 hours. Colonel Walter Monge was informed and he instructed officer Mainor Vargas-Alfaro to coordinate the corresponding actions with the General Staff of the Sandinista Popular Army and to keep the body of Lieutenant Acevedo in custody. At 10:10 hours the General Staff of the Sandinista Popular Army requested authorization to enter Costa Rican waters and cooperate with the situation. Colonel Walter Monge-Rodríguez was informed of the request and he granted the authorization provided that they enter the Costa Rican territory without weapons. At 11:00 hours of the current day, month and present year, the authorities of the Atlantic Command and officials of the Judicial Investigation Bureau of Guápiles, Costa Rica picked up the body in order to transport it to the Forensic Unit in San José, Costa Rica and then to the sister country of Nicaragua.

BORDER STAFF RELIEF

On 04-09-96, at 05:00 hours, the border staff relief changes were made at the Posts on vessel M.A. # 2, vessel operator Leocadio Medal Alemán and the shift staff for the Posts at Delta # 4, Delta # 5, Delta # 8, Delta # 9, Delta # 21, via the San Juan River, with no special occurrences.

NAVIGATION ALONG THE SAN JUAN RIVER

On 29-04-96, at 09:30 hours, a delegation left on vessel M.A. # 2, vessel operator Leocadio Medal, Sergeant Chinchilla and two officers to Delta # 4, Barra del Colorado, via the San Juan River.

NAVIGATION ALONG THE SAN JUAN RIVER

On 04-05-96, at the 09:10 hours, a delegation left from Delta # 4 Barra del Colorado on vessel M.A. # 2, vessel operator Medal, Captain Benavidez and two officers to Delta # 9 Boca del Sarapiquí, navigating on the San Juan River.

ATLANTIC COMMAND PATROLLING

On 04-05-96, at 10:30 hours, a delegation left from Delta Zero on vessel M.A. # 3, vessel operator Enríquez, officers Jorge Zúñiga and Cristóbal Cubero together with officials from the Ministry of Natural Resources, Energy and Mines (MIRENEM) with the purpose of conducting an operation at Delta Costa Rica in the areas of Caño Pereira and el Jobo, through the San Juan River.

SUPERVISION OF BORDER POSTS

On 13-05-96, at 05:40 hours, departed delegation from Delta Zero on vessel M.A. # 1, vessel operator Leocadio Medal, Lieutenant Hidalgo and two officers with destination to Delta # 4 Barra del Colorado, to supervise the border posts.

TRAVEL ON THE SAN JUAN RIVER

On 15-05-96, at 13:32 hours, departed M.A. # 2 and M.A. # 3 left from Delta # 9 with destination to Delta Zero with vessel operators Leocadio Medal and Orozco and with an officer for each vessel.

MEETING OF THE ATLANTIC COMMAND AND THE SANDINISTA POPULAR ARMY

On 17-05-96, at 09:00 hours, a delegation left from Delta Zero with destination to Delta # 9, Boca del Río Sarapiquí on vessel M.A. # 3 with vessel operator Medal, Colonel Monge, Lieutenant Soto, Corporal Matamoros and two officers with the purpose of holding a meeting with the Major of the Sandinista Popular Army at Boca del Río Sarapiquí.

STAFF RELIEF AT BORDER POSTS

On 31-05-96, at 06:15 hours, a delegation departed from Delta Zero with destination to Delta # 4 Barra del Colorado on vessel M.A. # 2, vessel operator William Medal and twelve officers with the purpose of making the border staff relief changes at border posts Delta # 4, Delta # 5, Delta # 7, Delta # 8, Delta # 9. The unit navigated the San Juan River, with no special occurrences.

BORDER STAFF RELIEF

On 01-06-96, at 08:00 hours, a staff relief delegation travelled from Delta # 4 to Delta # 9, and from Delta # 9 to Delta # 8, on vessel M.A. # 2 with vessel operator Medal, via the San Juan River. With no special occurrences.

COOPERATION OF THE ATLANTIC COMMAND WITH THE SANDINISTA POPULAR ARMY

On 01-06-96, at 09:30 hours, vessel operators Celso González and operator Walter Rovelo, both from the Sandinista Popular Army, appeared at Border Post Delta # 9 at Boca del Río Sarapiquí and requested authorization to enter the community of Los Angeles at Boca del Río Sarapiquí, through the river in order to make a phone call. Third Commander Captain Briones was informed of the request and he authorized the entrance into our territory but without arms.

BORDER PATROLLING OPERATION

On 03-06- 96, at 08:00 hours, a delegation left from Delta Zero to Barra del Tortuguero on vessel M.A. # 2, vessel operator Orozco and officers Jhonny Alfaro, Dalolio Orvilly and Marvin Vargas with the purpose of patrolling the area.

BORDER PATROLLING OPERATION ON THE SAN JUAN RIVER

On 09-06-96, at 11:15 hours, a delegation left from Delta Zero to Delta # 4 on vessel M.A. # 1, vessel operator Medal, Lieutenant Leiva and two officers with the purpose of patrolling the San Juan River.

PATROLLING OPERATION

On 09-06-96, at 16:25 hours, departed delegation from Delta # 0 to Delta # 4 on vessel M.A. # 2, vessel operator Orozco, Sergeant Valverde and three officers for patrolling the area.

COORDINATION WITH THE SANDINISTA POPULAR ARMY

On 11-06-96, at 08:16 hours, Delta # 9 Boca del Río Sarapiquí informed that they have information that nearby said Post a citizen by the name of Efraín Miranda-Aráuz, Costa Rican, 57 years of age, drowned in Nicaraguan waters. For this reason, actions were coordinated with the Sandinista Popular Army to rescue the body in the area. At the place appeared Lieutenant Jarquí of the Sandinista Popular Army and boatman Lazo as well as Atlantic Command officer Miguel Prado, the officers of the Judicial Investigation Bureau of Puerto Viejo, Sarapiquí, Pablo Fernández, Mario Bustamante, the Mayoress Patricia Barquero of Costa Rica and two police officers of the area. The body was lifted at the 09:20 hours, with no special occurrences.

NAVIGATION ALONG THE BORDER

On 30-06-96, at 15:35 hours, departed delegation from Delta Zero to Delta # 4 at Barra del Colorado, M.A. # 2, vessel operator Orozco, Colonel Monge, Lieutenant Leiva and one officer, via the San Juan River.

NOTE: From August 96 to December 96, no relevant events or significant activities on the San Juan River were recorded. Everything went normal and only carrying out the regular staff relief changes were made at the border posts, all of which are recorded in the book of minutes comprehensive of two hundred pages and dated as indicated above, thus concluding the period of 1996.

BEGINNING OF THE 1997 PERIOD

NOTE: According to the book of minutes comprehensive of two hundred pages and dated 01-01-97 through 12-12-97, no relevant events were recorded on the San Juan River. Everything went normal during this period, besides for some small operations related to undocumented Nicaraguan immigrants who came into national territory. The regular border staff relief changes were made normally while navigating the San Juan River. Closing of the 1997 period.

BEGINNING OF THE 1998 PERIOD

NOTE: From January 98 through May 98, the book of minutes comprehensive of two hundred pages does not record any irregularities or events on the San Juan River during these months.

MONTH OF JULY OF 1998

On 14-06-98, at 05:35 hours, departs vehicle # 711 for Boca Tapada, Río San Carlos and Cureña, driver Edgar Miranda; Major Hugo Espinoza-Rodríguez; Lieutenant José Leiva Jiménez; Sergeant Francisco Cubero; paramedic Zúñiga; Daniel Madrigal; Mainor Vargas; Juan Carlos García; Ramón Godínez; Isaías Matamoros; and Abel Rojas. They arrived at Boca del Río San Carlos at 09:30 hours and left for Cerro Chachalaca and Caño Jardín at 09:45 hours.

CAPTURE OF UNDOCUMENTED PERSONS AT THE BORDER

On 14-06-98, at 08:12 hours, officer Froy Monge from Post Delta # 14 Cureña reported the entrance to the post of officer Jhinny Solís-Parra and Marvin Rojas who were coming from Laguna Cureñita, from the Farm of Gerardo Miranda-Álvarez, locating fourteen undocumented Nicaraguan citizens were located on that Farm.

For this reason, they transported them to Post Delta # 14 Cureña. At 12:00 hours, vehicle # 711 arrived with five officers from Delta # 0 and officials from the Immigration Office of San Carlos in order to transport the undocumented persons to the Immigration Office of San Carlos. The persons were transported at 13:00 hours.

DIFFERENCES

On 1-06-96 (sic), at 10:40 hours, Lieutenant Sánchez from Delta Zero informed that he had a telephone conversation with the Deputy Director of the Border Police, Major Arce and that he was given the following report for Major Hugo Espinoza-Rodríguez: that Colonel Talavera of the Sandinista Popular Army complained that no one navigating the San Juan River should be detained, since according to Lieutenant Talavera, some days ago some officers from Delta Zero had forced some persons to get off the boat. That every time that personnel from the Atlantic Command navigate the San Juan River, they must place the arms on the floor of the vessel.

CAPTURE OF UNDOCUMENTED INDIVIDUALS AT THE BORDER

On 14-06-98, at 14:00 hours, Jorge Padilla from Post Delta # 13 at Boca Tapada, Pital, San Carlos reported that he kept four undocumented Nicaraguan citizens and they were transported to the Immigration Office of San Carlos at 16:02 hours.

DIFFERENCES ABOUT BORDER MARGINS

On 14-06-98, at 16:10 hours, Sergeant William Herrera from Post Delta # 7, Costa Rica, informed that at the post appeared First Lieutenant Renato Ríos-Cárdenas, Chief of the Post of the Nicaraguan Army at Delta Costa Rica. He informed that, as instructed by Lieutenant: Colonel Orlando Talavera, Commander of the south Detachment of the Sandinista Popular Army of Nicaragua, the passage of any Costa Rican authority officials was restricted as of that date through the San Juan River. The Second Commander of the Atlantic Command, Major Francisco Córdoba-Córdoba, was informed of the situation so that he would coordinate with his superiors, so they would have knowledge of the situation in order to resolve it.

REPORT OF THE ATLANTIC COMMAND

On 14-06-98, at 18:10 hours, Major Hugo Espinoza-Rodríguez informed from Post Delta # 16 at Boca del Río San Carlos that, as of that time and date, entrance of any officer of the Sandinista Popular Army or of any Nicaraguan police officer into Costa Rican territory was prohibited. If any Nicaraguan officers were to be found on Costa Rican soil, they would be detained and the corresponding actions were to be coordinated with the pertaining superior authorities.

REPORT OF THE FIRST COMMANDER TO DELTA ZERO

On 14-06-98, at 18:45 hours, the First Commander from Delta # 0 informed that the operation conducted in the area concluded at the 19:00 hours and that, having found no undocumented citizens, he would therefore spend the night at Delta # 16 at Boca Tapada in order to travel on the vehicle to Delta # 0 the next day.

NOTE: According to the books of minutes comprehensive of two hundred pages, no relevant events were reported during the months of August and September of 1998, except for the fact that the passage of Costa Rican authorities through the San Juan River remained prohibited. For this reason, border staff relief changes at the major posts were made by land using police cars. Except for this, no other occurrences were reported on the San Juan River.

NOTE: October of 1998, According to the books of minutes comprehensive of two hundred pages, no activity was recorded on the San Juan River, all being normal, conducting the border staff relief by land, in our land vehicles without any special occurrences.

NOTE: From November 98 until December 98, dated until the 18-12-98, only the registry according to the books of minutes comprehensive of two hundred pages are being kept, as follows: On 04-11-98, at 08:56 hours, reports Delta # 16 "Boca del Río San Carlos", officer Edgar Godínez, that on the San Juan River travels a green vessel, with green roof, with about 46 passengers, all navigating the San Juan River.

REFERENCES OF UNDOCUMENTED ON THE SAN JUAN RIVER

On 04-11-98, at 09:48 hours, the Cureña Post reports that the same vessel passes with fifteen undocumented Nicaraguans.

On 04-11-98, at 10:49 hours, Delta # 8, Boca del Río Sarapiquí reports that the same vessel passages with 15 undocumented Nicaraguans on the San Juan River.

On 09-12-98, at 09:10 hours, Delta # 14 Cureña informs, that a white with red strips vessel passes by with about 15 persons, travelling towards Delta # 16, Boca del Río San Carlos.

CLOSING OF THE PERIOD OF 1998

According to the books of minutes comprehensive of two hundred pages dated from 01-01-98 through 18-12-98, is all what is read. It is signed leaving it duly informed.

Yours truly,

Major Hugo Espinoza	Original Signed
First Commander	Major Hugo Espinoza Rodríguez
Atlantic Command, Sarapiqui	First Commander C/A

CC/ Arch
Alberth.

MINISTERIO DE SEGURIDAD PUBLICA **# 1**
COMANDO ATLANTICO
OFICIO- 3054-98. P.F.S.

Sarapiquí, 18 de Diciembre de I998

Señor
Coronel-Max Cayetano Vega Morales
DIRECTOR GRAL POLICIA FRONTERA
S.________O.

Estimado Señor:

Me place dirigirme a usted, con todo el respeto que se merece y a la vez le remito el informe de los recorridos al Rio San Juan Comprendiendo desde la administración pasada, de los periodos # 93 al 98, en el #93 nò se presentan anomalias solo lo rutinario ejemplo:(RELEVOS). Se observò en el periòdo 94 segun libros de acta de # 200 folios, en este periodo en los meses de Enero, Febrero , Marzo Abril, Mayo, Junio y Julio, comprenden las siguientes fechas el Martes 26 de Julio de I994 con fechado hàsta el dia I7-03-95, nò se registran anomalias ùnicamente lo relacionado con los relevos. En los meses restantes del año 94 , si se registraron actividades en el Rio San Juan, comprendiendo los meses de AGOSTO, SEPTIEMBRE, OCTUBRE, NOVIEMBRE Y DICIEMBRE. 94.

COMITIVA M.S.P. RECORRIDO FRONTERIZO

Esto se relato el dia (26 -07-94) Se movilizò un personal del Comando Atlàntico, con trayectoria por el Rio San Juan del PUESTO de BOCA DE SARAPIQUI, AL PUESTO DE DELTA COSTA RICA ,al ser las 13:15. Horas finalidad, comitiva de recorrido Fronterizo, sin novedad alguna. El dia 03-08-94, sale a las 13:45 horas, comitiva COMANDO ATLANTICO, a recorrido Fronterizo, hacia el PUESTO DELTA COSTA RICA, embarcaciòn M.A.# 2, motorista: ENRIQUEZ, al mando el Coronel- WALTER MONGE RODRIGUEZ, Capitan- WILLIAM BENAVIDES LOPEZ Y UN EFECTIVO, sin novedad especial.) El dia 05-08-94, se traslada comitiva antes en mensiòn de PUESTO BARRA SUR COLORADO, al PUESTO DE DELTA COSTA RICA y seguidamente sigue su trayectoria al COMANDO ATLANTICO, sin novedad especial.

continua...

COMITIVA DE DOTACION LOGISTICA # 2

El dia 06-08-94,al ser las 05:30 horas, sale comitiva del Comando Atlàntico, embarcaciòn M.A.# 2, motorista, EFECTIVO; MIGUEL CRUZ DIAZ, del PUESTO DELTA COSTA RICA, al PUESTO DE BOCA SARAPIQUÌ, a dejar logistica a dicho PUESTO, sin novedad especial.) (El mismo dia aparece el movimiento, de la misma embarcaciòn con trayectoria del PUESTO DE BARRA SUR, al COMANDO ATLANTICO, al ser las 08:00 horas, sin novedad especial.

COMITIVA RECORRIDO FRONTERIZO

El dia 08-08-94, al ser las 05:00 horas sale comitiva del COMANDO ATLANTICO, embarcaciòn M.A.# 2, Motorista CRUZ DIAZ, movimiento de relevos de los PUESTOS FRONTERIZOS, por el Rio San Juan se realizaron sin novedad especial.)

COMITIVA DE RELEVOS DE FRONTERA

El dia 09-08-94, regresò la M.A. # 2, al COMANDO ATLANTICO, sin novedad especial.) (El dia 29-08-94, al ser las 05:00 horas , sale comitiva del COMANDO ATLANTICO, a efectuar relevos FRONTERIZOS a los PUESTOS, sin novedad especial.

COMITIVA DE LOGISTICA

El dia 22-09-94, al ser las 05:00 horas sale comitiva del COMANDO ATLANTICO, M.A.# 2, motorista ENRIQUEZ al mando Tnte: JOSE LEIVA, efectivo : CARLOS ESCALANTE, misiòn dotaciòn de longistica a los PUESTOS FRONTERIZOS, sin novedad especial.

COMITIVA DEL E. P. S, Y MIRENEN. REUNIÓN

El dia 23-09-94. Al ser las 09:30 horas, se reporta al PUESTO DE BOCA de SARAPIQUI, la embarcaciòn, perteneciente a MIGRACION DE NICARAGUA del E>P>S> la misma solicitando permiso para ingresar a territorio COSTARRICENSE, esto por via fluvial, asunto reuniòn en el COMANDO ATLANTICO, por lo que se le pone en conocimiento al CORONEL: WALTER MONGE RODRIGUEZ, PRIMER COMANDANTE , de la Unidad, por lo que el mismo manifiesta que esta Comitiva puede ingrezar a nuestro territorio, nò portando armas, comitiva compuesta por. MOTORISTA: GONZALO LAZO, Tnte. VICENTE ESPINOZA MEDINA, JEFE DE MIGRACION DEL E.P.S. Y el soldado DONALD NORMAN BLANDON, se efectua reuniòn al ser las 11:00 horas el el COMANDO ATLANTICO.

acontinuaciòn...

MINISTERIO DE SEGURIDAD PUBLICA **# 3**
COMANDO ATLANTICO

COMITIVA M.S.P. COMANDO Y E. P. S. REUNION

El dia 25-09-94, al ser las 05:00 ,horas reporta el PUESTO DE BOCA DE SARAPIQUI , al COMANDO ATLANTICO, el Cabo: AMADOR VIALES que en ese Puesto se encuentra una comitiva, conformada po el JEFE DE PUESTO DEL E. P. S. El TENIENTE; JOSE MATEO AMADOR SOSSA , motorista JOHNNY LAZO , solicitando permiso para ingresar a territorio COSTARRICENSE, por via fluvial, asunto reunión en el COMANDO ATLANTICO, por lo que se le informa de inmediato al CORONEL- MONGE, y el mismo indica que se le otogue la entrada a esta embarcación nó portando ARMAS, efectuandose la reunión en el COMANDO ATLANTICO, al ser las 08:00 horas.

COMITIVA DE VISITANTES

El dia 27-09-94, al ser las 05:00 horas , sale comitiva de visita a los PUESTOS FRONTERIZOS , ùtilizandoce el RIO SAN JUAN , embarcación acuatica, personal de D.G. 7, Coronel_ JUAN FELIX BARRANTES , CAPITAN- WILLIAM BENEVIDES, SRGENT. MARIO GRANADOS, efectivo: DENNIS VILLALOBOS, sin novedad especial.

COMISION ESPECIAL

El dia 10-11-94, al ser las 10:10 horas , sale comitiva M,.A .# 2, a los PUESTOS FRONTERIZOS POR EL RIO SAN JUAN, motorista LEOCADIO MEDAL, al mando EL CORONEL- SERGIO BARQUERO, SUB-DIRECTOR, DE POLICIA DE FRONTERAS-M.S.P. , el CORONEL- WALTER MONGE, y un OFICIAL DE O.I J, de Nombre: GERARDO CASTAÑO LOPEZ y dos efectivos de seguridad del COMANDO ATLANTICO. Comisión especial, sin novedad.

COMITIVA RECORRIDO FRONTERA

El dias 22-12-94, al ser las 12:30 horas , sale comitiva del COMANDO ATLANTICO, embarcación M.A.# 2, motorista ENRIQUEZ,
TNTE. MAGNUM MORA, Sargt. MARIO GRANADOS, efectivo; JUAN MATARRITA , destino PUESTO: BARRA DEL COLORADO, utilizandose el RIO SAN JUAN , sin novedad especial.

MINISTERIO DE SEGURIDAD PUBLICA # 4
COMANDO ATLANTICO

COMISION ESPECIAL

El dìa 22-I2-94, al ser las 17:30 horas , sale comitiva M.A. # 2 embarcaciòn, Sargt. MARIO GRANADOS motorista LUIS GUZMAN , y dos Oficiales del O.I.J. de Siquirres de Limón , asunto comisiòn especial, destino **BARRA** DEL COLORADO, nav, por el RIO SAN JUAN. del añ **Esto cerrando el perìòdo o 94.-**

PERIODO -1995

A partir del dia 01-01-95, hàsta el dia 30-12-95, segùn registro en el libro de actas de trecientos folios consta lo siguiente.

ACTIVIDADES EN EL RIO SAN JUAN

L o que comprende, comitivas de C.R. y E.P.S., relevos Fronterizos, dotaciòn de logistica a los Puestos de Frontera, Operativos, Clases , Desalojos, Patrullajes, Recorridos en la Frontera, Rescates, Reuniones, de Costa Rica, Comando Atlàntico y el E.P.S., comitivas , visitantes de M. S. P., situaciòn de ciudadanos CUBANOS indocumentados y NAUFRAGOS que estubieron en calidad de custodia en el PUESTO DE BARRA DEL COLORADO, comitivas C.R. con personal de SEGURIDAD NACIONAL, en zona FRONTERIZA, comitivas ESPECIALES C.R., en FRONTERA, comitivas , C.R. y E.P.S. Operativos conjuntos en el RIO SAN JUAN.

REUNION SOBRE, DECOMISO DE LANCHA- MIRENEN
C. R. E.P.S.

El dia 01-01-95, al ser las 04:40 horas , El Tnte. del E.P.S. Destacado en la zona de BOCA DE SARAPIQUI, le solicita al Primer COMANDANTE DEL COMANDO ATLANTICO- CORONEL- WALTER MONGE RODRIGUEZ, permiso para ingresar a suelo COSTARRICENSE, esto por via Fluvial, expresamente al Sector de BARRA DEL COLORADO SUR, para sostener en esa àrea una Reuniòn, con los personeros de MIRENEN, asunto respecto a una Lancha, que fuè decomisada con, MARISCOS, tipo(LANGOSTA Y CAMARONES) procedimiento efectuado por MIRENEN, ya que esta embarcaciòn fuè decomisada en AGUAS NICARAGUENSES, sin su permiso, al ser las 06:00 horas , el CORONEL- WALTER MONGE, otorga el debido permiso solicitado por el E.P.S. Manifestando que podian ingresar, a esa juridicciòn, nò portando ARMAS, al ser las 10:00 horas , ingresan a BARRA DEL COLORADO, todo transcurriendò normalmente, ùtilizando el RIO SAN JUAN .

Continua..

MINISTERIO DE SEGURIDAD PUBLICA # 5
COMANDO ATLANTICO

COMITIVA DE RELEVOS

El dia 17-01-95, al ser las 04:50 horas , regresa embarcación M.A.# 2, motorista MEDAL, procedente de los Puestos Fronterizos , DELTA # 7 , PUERTO LINDO, DELTA # 8, DELTA COSTA RICA, DELTA # 9 BOCA DE SARAPIQUI, asunto relevos de Puestos , útilizando el RIO SAN JUAN, personal CABO- EDDY PRADO y ocho EFECTIVOS hacia DELTA # O, sin novedad especial.

COMITIVA COMUNICACIONES

El dia 18-01-95, al ser las 05:00 horas, sale comitiva del COMANDO con destino a los Puestos Frnterizos, con NICARAGUA, comitiva de COMUNICACIONES, emb. M.A.# 2, Mot, MEDAL, CABO- ALVARADO, destino DELTA # 9 BOCA SARAPIQUI, DELTA # 8 DELTA COSTA RICA, DELTA # 7, PUERTO LINDO Y DELTA # 6, AGUA DULCE, a instalar RADIOS DE COMUNICACIONES, equipos marcas KENWOOD, al ser las 11:00 horas , se desplazan nuevamente a DELTA # O, sin novedad especial .

COMITIVA M.S.P. Y E.P.S. REUNION

El dia 25-01-95, al ser las 11:00 horas , se desplaza el CORORNEL- MONGE y un personal por el RIO SARAPIQUI, hacia aguas NICACRAGUENSES, a mantener una reunión en el PUESTO DE EL , E .P.S. ubicado en la zona de BOCA DE SARAPIQUI, se reunió en dicho PUESTO, con el MAYOR- MEMBREÑO del E.P.S., todo trascurriendo sin novedad especial.

COMITIVA M. S P.

El dia 30-01-95, ser las 05:15 horas, sale comitiva embarcación S.P-251, CORONEL- SERGIO BARQUERO, SUB- DIRECTOR POLICIA FRONTERA , TNTE: JOSE LEIVA, motorista MEDAL y dos efectivos de DELTA # O , con destino a BARRA DEL COLORADO, asunto visita a los PUESTOS FRONTERIZOS, misma fecha llega comitiva a BARRA DEL COLORADO DELTA # 4.

COMITIVA VISITANTES

El dia 10-02-95, al ser las 07:45, sale comitiva, de DELTA # O a DELTA # 4, CORONEL- MONGE, motorista MADAL, OFICIAL MAYOR- de M.S.P, VILMA GRANADOS , LIC. EDUARDO PEREZ , AGENTE DE MIGRACION, ARNOLDO GRANADOS y dos efectivos de D/ O, utilizando el RIO SAN JUAN, regresando a las 12:5l horas a D # O , sin novedad especial.

Acontinuación...

MINISTERIO DE SEGURIDAD PUBLICA # 6
COMANDO ATLANTICO

COMISION PATRULLAJES

El dia 01-03-95, al ser las 09:29 horas, sale comitiva de D # O , a D # 4 embarcaciòn M.A.# 2, motorista MEDAL, Cap. BENAVIDES, efectivos: MARVIN PORRAS, DENNIS VILLALOBOS , luego al ser las 11:00 horas por orden del Comandante se este personal hàsta los sectores de CUREÑA Y BOCA TAPADA, a inspeccionar la zona, ùtilizando el RIO SAN JUAN, al ser las 14: 30 horas regresa la comitiva, sin novedad especial.

COMITIVA, M.S.P. Y E. P. S , REUNION

El dia 04-03-95, al ser las 08:05 sale comitiva M.A,# 2 , mot. MEDAL, CORONEL-MONGE, CAP. BENAVIDES y cinco efectivos, destino a al PUESTO DELTA COSTA RICA del E.P.S. asunto reuniòn con el TNTE, LAGOS del estaoo Mayor- de NICARAGUA, efectuada a las 10:05. Utilizando el RIO SAN JUAN.

COMITIVA VISITANTE

El dia 16-03-95, al ser las 08:30 horas, sale comitiva de DELTA # O , M.A. # l, mot. ENRIQUEZ, Coronel _ MONGE, Coronel- LING PAI VINDAS, DIRECT. DE ARMAMENTO DE M. S. P. Mayor- RAMON BALTODANO CENTENO, Sarnt. ARTURO BENAVIDES, Sarnt. ARIAS y cuatro efectivos de DELTA # O , hacia BARRA DEL COLORADO, utilizando el RIO SAN JUAN, sin novedad especial.

INDOCUMENTADOS CUBANOS EN BARRA DEL COLORADO NAUFRAGOS BALCEROS CUBANOS

El dia 26-03-95, al ser las 03:00 horas , informa el Puesto de BARRA DEL COLORADO, efectivo MATAMOROS, que por el sector de la Bocana ingresan unas # 1 ,personas inmigrantes con Nacionalidade CUBANOS 09 varones y cinco mujeres los cuales NAUFRAGARON en aguas COSTARRICENSES, por lo que se procedio al traslado a DELTA # 4, y luego se trasladaron a DELTA # O, por el RIO SAN JUAN el dia 28-03-95 al ser las 11:00 horas, estos ciudadanos, los cuales provenian de ISLA DEL GRAN CAIMAN CUBA.

COMITIVA DE ACTIVOS EN FRONTERA

El dia 07-04-95, al ser las 07:00 sale comitiva de D # O, a D # 4, mot, ENRIQUEZ, Coronel- JIMENEZ y personal de ACTIVOS, M.S.P. y dos efecivos de DELTA # O ùtilizando el RIO SAN JUAN.

Continuaciòn...

MINISTERIO DE SEGURIDAD PUBLICA **# 7**
COMANDO ATLANTICO

COMITIVA M.S.P. COMANDO Y E. P S .

El dia 08-04-95 Al ser las 08:00 horas solicita permiso en el Puesto de BOCA SARAPIQUI, DELTA # 9 , el E.P.S. Los mismos requieren desplasarce a DELTA # O por via fluvial, comitiva compuesta por el TNTE. PRIMERO BALLARDO WATUS PEREZ, TNTE DOMINGO JOSE RISSO GARCIA, TNTE DOMINGO LAGOS HERNANDEZ, Mot, RISSO, del estado Mayor- del E.P.S., por lo que se le informa al Coronel MONGE, el mismo indica que dicha reunión se efectuara en las instalaciones del COMANDO ATLANTICO, el dia 09-04-95.

COMITIVA PATRULLAJE COMANDO Y E. P S.

El dia 09-04-95, al ser las 09:15 horas, sale comitiva con destinc DELTA COSTA RICA, embarcación M. A .# 2, mot. ENRIQUEZ, al mando CABO, HUGO ESPINOZA RODRIGUEZ, y dos efectivos a BOCA DEL SARAPIQUI, a reunirse con los OFICIALES DE, E.P.S. Mot. FELIPE GONZALEZ, TNTE: WATUS BLAZO. TNTE : GARCIA y dos SOLDADOS a los sectores de DELTA COSTA RICA y zonas aledañas a BOCA SARAPIQUI, patrullaje en la zona.

COMITIVA VISITANTE

El dia 10-04-95, al ser las 11:45, sale de DELTA # O , la comotiva embar. M.A.# 1, mot, MEDAL, CORONEL- FERNANDO MUÑOZ , CAPELLAN DE LA FUERZA PUBLICA y dos efectivos de D. # O, asunto visita de PUESTOS FRONTERIZOS, utilizando el RIO SAN JUAN.

El dia 11-04-95, al ser las 05:00 horas , sale el Coronel- MONGE , Coronel- JUAN FELIX BARRANTES, emb. M.A.# I, mot. MEDAL y cuatro efectivos, asunto visita de los Puestos, utilizando el RIO SAN JUAN.

COMITIVA OPERATIVO RESCATE EN EL RIO SAH JUAN

El dia 13-06-95, al ser las 09:00 horas, sale comitiva de DELTA # O , M.A. # 1, mot. MEDAL, Sargt. MARIO GRANADOS ,tres efectivos de DELTA # O , un OFICIAL DE O.I.J. DE PTO VIEJO, MARIO BUSTAMANTE, informandole al Puesto de E. P. S , ubicado en BOCA DE SARAPIQUI, que se dirigen al DELTA COSTA RICA , al levantamiento de un Cuerpo sobre el RIO SAN JUAN.

continuación..

MINISTERIO DE SEGURIDAD PUBLICA **# 8**
COMANDO ATLANTICO

COMITIVA COMANDO Y EL E. P. S . OPERATIVO PATRULLAJE

El dia 14-06-95, al ser las 14:25 , sale comitiva de DELTA # O, M.A.# 2, mot. ENRIQUEZ, CAPT. BENAVIDEZ, TNTE. BENAVIDEZ TNTE. HIDALGO, y cuatro efectivos , sector de CUREÑA a un patrullaje, en cordinaciòn con el E.P.S.

ASUNTOS DE NAVEGACION

El dia 15 06-95, al ser las 08:20 horas, informa el jefe de Puesto de BOCA DE SARAPIQUI, DELTA # 9, que recibe denuncias de los pobladores de la zona, los cuales COSTARRICENSES que los oficiales del E.P S, les cobran el peaje de salida y entrada al RIO SAN JUAN, ya sean viajes cortos o largos, por lo que se le pone en conocimiento al segundo Comandante- Comando Atlàntico- Capt. BENAVIDES

COMITIVA RESCATE

El dia 26-06-95, al ser las 14:53 horas, sale comitiva de DELTA # O hacia DELTA # 8, emb. M.A, # 2 , mot, ENRIQUEZ, Sargnt. ROMERO tres efectivos y dos Oficiales del O.I.J. de Puerto Viejo , OFICIAL- MORA, OFICAL- BUSTAMENTE, hasl como la ALCALDESA, PATRICIA BARQUERO, los mismo a CAÑO TAMBOR, DELTA COSTA RICA, al levantamiemto de un Cuerpo (navegando sobre el San Juan)

COMITIVA COMANDO Y E . P .S PATRULLAJE

El dia 27-06-95, al ser las 08:00 horas, sale comitiva de DELTA # O , hacia el lugar denominado BANDERAS, de COSTA RICA, comitiva M.A.# 3, mot. ENRIQUEZ, CAPT. BRIONEZ y nueve efectivos, en coordinaciòn con el E.P.S. Para patrullaje en la zona, navegando sobre el SAN JUAN.

COMITIVA COMANDO, OPERATIVO FRONTERA PATRULLAJE DESALOJO

El dia 29-06-95, al ser las 13:45, sale comitiva de DELTA # O , hacia CAÑO MADRE, DELTA COSTA RICA a un desalojo de una finca, comitiva M.A.# 1 , Mot. ENRIQUEZ, CABO- VALVERDE, efectvos, MAINOR VARGAS , LUIS LARA , se navegò sobre el SAN JUAN.

Acontinuaciòn...

MINISTERIO DE SEGURIDAD PUBLICA **# 9**
COMANDO ATLANTICO

COMITIVA COMANDO Y SEGURIDAD NACIONAL, ZONA FRONTERA

El dia 07-07-95, al ser las 08:35, sale comitiva de DELTA # O a DELTA # 5, emb. M.A.# l, mot. LUIS GUZMAN , a cargo del efectivo MAINOR VARGAS , LUIS LARA , SEBASTIAN DIAS, con el fin de mantencr esta Unidad acuatica en un desembarcadero cerca entrada a BARRA DE TORTUGUERO, esperando un personal de SEGURIDAD NACIONAL , para ser trasladados a DELTA # 5, PARA EFECTUAR UNA COMISIÒN ESPECIAL, u/ EL RIO SAN JUAN.

COMITIVA RESCATE, COMANDO, E. P S. TERRITORIO NICARAGUENSE

El dia 08 -07-95, al ser las 04:40 horas , sale comitiva de DELTA # O , A DELTA # 6, M.A. # 2, MOT. MEDAL, TNTE HIDALGO , CABO VALVERDE y un efectivo, con la CRUZ ROJA DE PUERTO VIEJO, con el fin de internarse en territorio NICARAGUENSE esto con VISTO BUENO DE LAS AUTORIDADES DE . E. P. S, asunto, rescate de las siguentes personas el DOCTOR- ALFREDO LOPEZ SALAZAR de # 39 años , PAUL SIRLEY (USA) Asi como el Coronel- GUILLERMO ARROYO, JEFE DE LA CRUZ ROJA de (C.R) los mismos habian naufragado el dia domingo 02-07-95, fueron ubicados y rescatados, con vida, navegando sobre el SAN JUAN.

COMITIVA DE M.S.P.

El dia 08-07-95, al ser las 05:00 horas , sale comitiva de DELTA # O a DELTA # 4, m.a.# 3, MOT. MEDAL, CORONEL BARRANTES, CORONEL BARQUERO, PERSONAL DE PRENSA DE M.S.P., y cuatro efectivos de DELTA # O, navegando sobre el SAN JUAN.

COMITIVA COMANDO OPERATIVO DESALOJO

El dia 09-08-95, al ser las 04:20 horas , sale comitiva de DELTA # O a DELTA # 5, TORTUGUERO, M,A. # 2 , MOT. MEDAL , ARGT. ORDOÑEZ y ocho efectivos desalojo en finca de FUNDACION NEOTROPICA, navegando sobre el SAN JUAN.

A continuación..

MINISTERIO DE SEGURIDAD PUBLICA # 10
COMANDO ATLANTICO

REUNION COMITIVA COMANDO Y E.P.S

El dia 10-08-95, al ser las , 05:45 horas , informa el Puesto de BOCA DE SARAPIQUI que la comitiva del E.P.S. Compuesta por el Mayor- GONZALEZ , SEGUNDO JEFE DEL DESTACAMENTE MILITAR SUR EN SAN CARLOS DE NICARAGUA, Capt. DASILVA, MOT. GONZALEZ, los mismos se desplazan al COMANDO ATLANTICO esto por vía fluvial, sin ARMAS , esto con VISTO BUENO del CORONEL- MONGE, asunto reunión, la cual se efectua al ser las 07:18 horas

COMITIVA M.S.P. VISITANTE EN FRONTERA

El dia 18-10-95, al ser las 05:15 Horas, sale comitiva de Delta # 0, a Delta # 4 en la embarcacion M A 3, motorista Medal, Mayor:José Benito Monge López,Primer Comandante Interino de la Unidad Delta # 0, esta nueva orden; y dos efectivos, navegando sobre el Río San Juan .

COMITIVA DE M.S.P, EN FRONTERA

El día 19-10-95, al ser las 15:40 Horas sale comitiva de Delta # 0 hacia los diferentes puestos fronterizos,EN LA EMBARCACIÓN M.A2,motorista Medal,Coronel Monge,efectivo Guillermo Cordero,efectivo Sara Chavarría; este personal perteneciente a supervisión de M.S.P.y dos efectivos de Delta # 0 navegando sobre el Río San Juan .

COMITIVA COMANDO PATRULLAJE NAVAL

El día 20-10-95 a las 08:55 Horas, sale comitiva de Delta # 0 a Delta # 4, en la embarcación S P 658, Motorista Dennys Villalobos,Capitan Mendez,efectivos: Luis Mora,Marvin Rojas,patrullaje naval en la zona limítrofe con Nicaragua navegando por el Río San Juan, regresando a Delta # 0 al ser las 12:15 Horas sin novedad especial .

COOPERACION DE COMANDO CON E.P.S. EN FRONTERA

El día 01-11-95 al ser las 09:32 Horas, sale comitiva de Delta # 0,embarcación M.A.1,motorista Enríquez,efectivo Teodorico Salazar de Delta # 0, con destino al Puesto del E.P.S. en Boca del Río Sarapiquí ha dejar un soldado Nicaraguense de nombre Francisco Bermúdez, ya que el mismo en días anteriores había sufrido un accidente con arma de fuego, por lo que se había trasladado al Hospital de Guápiles de Costa Rica, para prestarle la colaboración necesaria de parte del Comando Atlántico.

COMITIVA COMANDO ASUNTO RELEVOS FRONTERIZOS

El día 12-12-95 al ser las 05:00 Horas,se efectuan los relevos fronterizos a los siguientes puestos Delta # 4,Delta # 5, Delta # 6 , Delta # 7, y Delta # 8, que abarcan las siguientes juridicciones Barra del Colorado,Barra del Tortuguero,Puerto Lindo y Delta Costa Rica; estos se llevan a cabo por el Río San Juan, con toda normalidad, en la embarcación M.A.2,motorista Enriquez,Teniente Jose Leiva y demás personal.

OPERATIVO RASTREO DE INDOCUMENTADOS EN FRONTERA COMITIVA COMANDO ATLANTICO

El día 21-12-95 al ser las 06:00 Horas,se desplaza una comitiva del Comando Atlántico hacia Delta Costa Rica,en la embarcación M.A 3,motorista Enriquez,Sgto Mario Hernández y quince efectivos, a prestarle ayuda al Cabo Matamoros, que mantiene un grupo de ciudadanos Nicaraguenses indocumetados, frente al cementerio de la Tigra,en el margen del Río San Juan, cuarenta y un inmigrantes Nicaraguenses, según informacion estos procedian de la zona de San Juan del Norte en una panga tipo plana los mismos son trasladados a Delta # 0, y se efectuan las coordinaciones de rigor con las autoridades de Migración de Costa Rica .

REUNION COMANDO ATLANTICO EN FRONTERA CON EL E. P. S.

El día 30-12-95 al ser las 08:00 horas,sale comitiva de Delta # 0,a Delta #9 Boca del Río Sarapiquí, vía fluvial embarcación M.A. 1,motorista Enriquez,Coronel:Monge,Tnte Leiva,Sgto Ordoñez y tres efectivos de Delta# 0,asunto reunión con el Jefé del Destacamento Militar Sur de Nicaragua,con el Mayor: Membreño del E. P.S .y se efectua la reunión al ser la 10:30 Horas del mes y año en curso, sin novedad especial .

CIERRE DEL PERIODO DEL AÑO 1995
TOMADO DE LOS LIBROS DE REGISTROS
DE ACTAS DE 300 FOLIOS,CON FECHAS DE
01-01-95 HASTA EL 30-12-95

MINISTERIO DE SEGURIDAD PUBLICA **# 12**
COMANDO ATLANTICO P.F.S.

INICIO PERIODO DE 1996

Este periodo consta según libros de actas en registro con 300 folios, con fechado del 01-01-96 hasta el 30-12-96.

COMITIVA M.S.P PATRULLAJE EN FRONTERA

El día 05-01-96 al ser las 15:00 Horas,sale comitiva de Delta # 0, M.A.2 motorista Medal,Coronel Walter Monge,Mayor Pizarro,Capitan Allón y diez efectivos, destino Cureña, y Boca Tapada, haciendo un recorrido por los Puestos Fronterizos hasta llegar en los Puestos antes en mención,utilizando la navegación por el Río San Juan, sin novedad especial .

COMITIVA COMANDO ATLANTICO EN FRONTERA
OPERATIVO CLASE : RASTREO Y PATRULLAJE EN EL ÁREA

El día 08-01-96 al ser las 14:00 Horas, sale comitiva de Delta # 0 a la zona de Boca Tapada, en la embaración M.A.3,motorista Medal,Coronel Valerio,Capitan Alpízar,Sgto Vásquez,Sgto Carlos Villegas,Sgto Eliecer Méndez y cinco efectivos de Delta # 0; a trabajar en un operativo en la zona del Río Niño,zona aledaña a Boca Tapada de San Carlos,asunto rastreo de indocumentados y patrullaje en la zona,sin relevancia alguna.

MOVIMIENTO RELEVO DE PERSONAL EN FRONTERA
UTILIZANDO EL RIO SAN JUAN

El día 13-01-96 al ser las 05:00 Horas, se realizan los relevos fronterizos de los Puestos Delta, los siguientes: Delta # 9,Delta # 8,Delta # 7, Delta # 5,Delta# 6,Delta# 16 y Delta # 19, sin novedad especial con toda normalidad en estas juridicciones, que son las siguientes Boca del Río Sarapiquí,Delta Costa Rica,Puerto Lindo,Agua Dulce,Barra Del Colorado,Tortuguero,Pangola,Boca Tapada,navegando en el Río San Juan.

MINISTERIO DE SEGURIDAD PUBLICA # 13
COMANDO ATLANTICO P.F.S.

RELEVOS DE PUESTOS FRONTERIZOS

El día 01-02-96 a ser las 05:00 Horas, se efectuan los relevos fronterizos de avanzada, en la embarcación M.A.2,Motorista Medal y personal de Delta # 0, a los siguientes Puestos Deltas: Delta # 4,Barra del Colorado,Delta # 5 Barra del Tortuguero,Delta # 7 Puerto Lindo,Delta # 8 Delta Costa Rica,Delta #9 Boca del Río Sarapiquí, utilizandose la navaegación por el Río San Juan, sin novedad especial .

RECORRIDO POR EL RIO SAN JUAN, REUNION

El día 25-02-96 al ser las 08:50 Horas,sale comitiva de Dela # 0, a Delta # 4 Barra del Colorado embarcación M.A.1,motorista Medal,Capitan Briones,Coronel Pérez,Coronel Salazar,Mayor Medina, y cuatro efectivos de Delta # 0,asunto reunión con la Comunidad de Barra del Colorado,navegando por el Río San Juan, sin novedad especial .

COMITIVA COMANDO SUPERVISION DE PUESTOS FRONTERIZOS,NAVEGANDO POR EL RIO SAN JUAN

El día 27-02-96 al ser las 07:05 Horas,sale comitiva de Delta # 4, a Delta # 0,embarcación M.A.1 ,motorista Medal y cuatro efectivos,asunto supervisión de Puestos Fronterizos, sin novedad especial que reportar.

COMITIVA EN FRONTERA DE LOS FAMILIARES,DE LAS HOLANDESAS SECUESTRADAS,EN BOCA TAPADA,PITAL,SAN CARLOS

El día 29-02-96 al ser las 09:25 Horas,se diviza en Boca Tapada sobre el río, una embarcación civil, que porta la bandera Alemana,otra Suiza,orta Blanca de Paz y otra de Costa Rica, en la cuál viajan familiares de las ciudadanas Holandesas, secuestradas, asi mismo esta embarcación solicitaba pasar y continuar su trayectoria por los Puestos Fronterizos, por lo que se le informe al Coronel: Monge,Primer-Comandante del Comando Atlántico, y el mismo indicó que los Puestos Fronterizos de Costa Rica pertenecientes al Comando Atlántico, ortorgaran dicho paso solicitado,Puestos Fronterizos,Delta# 17, Delta # 9, Delta # 7 Delta # 8 y Delta # 4,dichos puestos se mantienen al margen de está situación.

MINISTERIO DE SEGURIDAD PUBLICA
COMANDO ATLANTICO

# 14

RECORRIDO DE LOS FAMILIARES DE LAS HOLANDESAS SECUESTRADAS EN BOCA TAPADA.

El día 29-02-96 al ser las 15:00 Horas,se reporta que la embarcación de los familiares de las secuestradas llegan al Puesto Delta # 4,y se alojan en un hotel en la zona, dicho hotel,propiedad del Señor: Memo Cunigann. Y se les presta toda la colaboración policial de parte de los efectivos del Comando Atlántico .

COOPERACION DEL COMANDO ATLANTICO CON EL E.P.S.
RASTREO Y CAPTURA

El día 29-02-96 al ser las 17:05 Horas,informa el Tnte: Cortéz del E. P. S. Del Puesto úbicado en la zona Delta Costa Rica,que al ser las 13:00 Horas del día en curso,dos de sus soldados, de su Puesto, habián desertado,los mismos de nombres: Roberto Carlos Holvendo y Yimmy Jhon Venegas,asi mismo dicho Teniente, del E.P. S., solicita colaboración de parte de las autoridades Costarricenses del Comando Atlántico. De inmediato se le informa al Coronel: Monge,del Comando Atlántico, dicha situación, por lo que él mismo manifiesta,que el dia siguiente es decir el 30-02-96; estaria mandando una patrulla a primeras horas por vía acuática para ayudar a la captura de estos soldados en coordinación del E. P. S.,en el sector del Jobo,Delta Costa Rica, juridicción Costarricense.

El días 30-02-96 al ser las 05:00 Horas,sale comitiva de Delta # 0, a Delta Costa Rica, embarcación M.A.3,Motorista Medal,Tnte: Jose Leiva Jimenéz y diez efectivos,destino al sector del Jobo, del Delta Costa Rica a realizar el rastreo y captura de los soldados ya antes en mensión .

COMITIVA COMANDO ATLANTICO OPERATIVO
CLASE DESALOJO

El días 06-03-96 al ser las 05:00 Horas,sale comitiva de Delta # 0, Comando Atlántico con destino a Delta # 5 Barra del Toruguero,embarcación M.A.1,motorista Leocadio Medal Alemán,Sgto: Ordoñez y once efectivos de Delta # 0, a la Fundación Neotrópica en la zona antes mensionada,a realizar un Desalojo en forma normal,navegando por el Río San Juan .

MINISTERIO SEGURIDAD PUBLICA **# 15**
COMANDO ATLANTICO P.F.S.

COMITIVA DE LOS FAMILIARES DE LAS SECUESTRADAS

El dia 07-03-96 al ser las09:26 Horas,reporta el Puesto de Boca Tapada,Pital,San Carlos;que sale un bote con el nombre de Río San Carlos, con destino a Barra del Colorado,motorista de la embarcación Señor: Jose Luis Herrera Morales y acompañante el Señor: Walter Artavia López,los cuáles viaja con el siguiente personal,entre familiares y amigos de las mujeres que fueron secuestradas, el 01-01-96, viaja también el Padre Cura:Fernando Bolaños de Pital,San Carlos, se mantienen los Puestos Fronterizos al margen de la situación.

COMITIVA DE CANAL 7,EN ZONA FRONTERIZA

El dia 08-3-96 al ser las 11:47 Horas,la embarcación del Comando Atlántico M.A.2,divisa al periódista Greivin Moya de canal siete navegando en aguas Costarricenses,él cual había salido de Boca Tapada, posteriormente en compañía de cuatro Periódistas con destino a Boca de Sarapiquí y al ser las 11:50 horas después está embarcación es divisada en Caño Tambor, por lo que se les brinda seguridad Policial en la zona.

COMITIVA RECORRIDO DEL ESPOSO DE LA SRA; SIGFREID

El dia 11-03-96 al ser las 11:10 horas,llega al Puesto de Boca Tapada el esposo de la Señora: Susana Sigfried,quien habia sido secuestrada dias anteriores, al esposo de la Sra: Susana sigfdried, Jose Luis Herrera Peter,lo acompañaba el Cura Bolaños, losmismo con destino en aguas abajo por el Río San Juan .

LIBERACION DE LAS HOLANDESAS SECUESTRADAS

El dia 12-03-96 al ser las 09:43 Horas,reporta el Puesto Delta # 17, que pasa por el Puesto la embarcación de Nombre Río San Carlos,botero José Herrera Peter,Padre Bolaños y asi mismo indica las mujeres de nacionalidad Holandesa, las mismas ya liberadas de nombres: Susana Sigfreid y Nicola Frevehaus,navegando en aguas Costarricenses .

MINISTERIO DE SEGURIDAD PUBLICA # 16
COMANDO ATLANTICO P.F.S.

ANTE EL FALLECIMIENTO DE UN OFICIAL DEL E.P.S. EN AGUAS COSTARRICENSES SE LE BRINDA LA COLABORACIO DE DELTA # 0.

El dia 25-03-96 al ser las 23:12 horas,informa Delta # 8, Puesto Delta Costa Rica,Efectivo Mainor Vargas Alfaro y el efectivo Danilo Castillo Zamora,que son informados por parte de dos soldados del E.P.S.Ejercito Popular Sandinista"de Nicaragua,dichos soldados de nombres Juan Brein Flores y Jose Enrique Ortega,los mismos indicaron que se les habia volcado una de sus panges del E. P. S. y que el Oficial el Tnte: Jose Manuel Acevedo Cortéz, Jefé de Puesto del E. P. S ., en zona Delta Costa Rica, quién en ese momento, se desplazaba con los mismos;segun versiones de los soldados,el Tnte: se habia ahogado cerca de aguas Costarricenses,por lo cuál se informo inmediatamente al Primer Comandante del Comando Atlántico,Coronel: Walter Monge, de la situación;manifestando él mismo que al dia siguiente estaria mandando a la zona una patrulla por vía fluvial para ayudar a los Oficiales del E.P. S., a emprender la busqueda del cuerpo del Tnte: Acevedo .

COMITIVA COMANDO ATLANTICO Y E.P.S. BUSQUEDA DEL CUERPO OFICIAL DESAPARECIDO

El día 26-03-96 al ser las 05:00 horas, se desplaza comitiva de Delta # 0,hacia la zona de Delta Costa Rica,embarcación M.A.2,Motorista Medal Alemán Leocadio,Tnte Hidalgo,Marvin Vargas en compañia del Teniente: Jarquín del E. P. S.,Jefe de Puesto en Boca del Sarapiquí, al ser las 07:30 horas, llega comitiva de Delta Cero a Delta #8 y al ser la 09:00 horas aparece el cuerpo del Tnte: Acevedo,Oficial del E.P.S.,por lo que se le informa al Coronel Walter Monge, por lo que él mismo, le asigna al efectivo: Mainor Vargas Alfaro, realizar las coordinaciones pertinentes con el estado Mayor del E. P. S.,y encargarse de la custodia del cuerpo del Tnte: Acevedo; al ser las 10:10 horas el estado Mayor del E.P. S.,solicita permiso para ingresar a aguas Costarricenses para colobarar con la situación, se le informa al Coronel: Walter Monge Rodríguez y él mismo concede el permiso,pero indica que puede ingresar a nuestro territorio, sin armas. Al ser las 11:00 Horas del día,mes y año en curso, se procede al levantamiento del cuerpo por las autoridades del Comando Atlántico y Oficiales del O.I.J de Guápiles de Costa Rica,para su traslado a la Médicatura Forenese en San José de Costa Rica y luego al hermano País de Nicaragua.

MINISTERIO DE SEGURIDAD PUBLICA # 17
COMANDO ATLANTICO P.F.S.

RELEVOS DE LOS PUESTOS FRONTERIZOS

El día 09-04-96 al ser las 05:00 horas, se realizan los relevos de los Puestos de Avanzada en la embarcaión M.A 2, motorista Leocadio Medal Alemán, y el personal de relevo a los Puestos de Delta# 4.Delta # 5, Delta # 8,Delta# 9,Delta # 21, sin novedad especial utilizando el Río San Juan .

RECORRIDO SOBRE EL RIO SN JUAN

El diá 29-04-96 al ser las09:30 horas, sale comitiva embarcación M.A. 2,motorista Leocadio Medal, Sgto Chinchilla y dos efectivos a Delta # 4,Barra del Colorado, utilizando el Río San Juan .

RECORRIDO EN EL RIO SAN JUAN

El dia 04-05-96 al ser las 09:10 horas, sale comitiva M.A. 2,Motorista Medal, Capitan Benavidez y dos efectivos, de Delta # 4 Barra del Colorado a Delta # 9 Boca del Río Sarapiquí;navegando sobre el Río San Juan .

PATRULLAJE COMANDO ATLANTICO

El dia 04-05-96 al ser las 10:30 horas, sale comitiva Delta Cero,embaracción M.A 3, motorista Enriquez,efectivo Jorge Zúñiga y Cristobal Cubero con personeros de MIRENEN, a efectuar un operativo en Delta Costa Rica, en los sectores de Caño Pereira y el Jobo, utilizando el Río San Juan .

MINISTERIO DE SEGURIDAD PUBLICA # 18
COMANDO ATLANTICO P.F.S

SUPERVISION DE PUESTOS FRONTERIZOS

El día 13-05-96 al ser las 05:40 horas,sale comitiva de Delta cero embarcación M.A.1, motorista Leocadio Medal, Tnte: Hidalgo y dos efectivos a Delta # 4 Barra del Colorado, a Supervisón de Puestos Fronterizos .

RECORRIDO POR EL RIO SN JUAN

El día 15-05-96 al ser las 13:32 horas salen M.A.2 y M.A. 3, motoristas: Leocadio Medal y Orozco, así mismo con un efectivo para cada embarcación,salieron de Delta # 9 hacia Delta Cero .

REUNION COMANDO ATLANTICO Y E. P .S.

El día 17-05-96 al ser las 09:00 horas, sale comitiva Delta Cero hacia Delta # 9,Boca del Río Sarapiquí embarcación M.A.3, motorista Medal,Coronel: Monge, Tnte: Soto Cabo Matamoros y dos efectivos, asunto Reunion con el Mayor del E.P.S. en Boca del Río Sarapiquí.

RELEVOS DE PERSONAL DE PUESTOS FRONTERIZOS

El 31-05-96 al ser las 06:15 horas,sale comitiva Delta Cero hacia Delta # 4 Barra del Colorado,embarcación M.A 2, motorista William Medal y doce efectivos, asunto relevos a Puestos Fronterizos,Puestos: Delta# 4,Delta #5, Dela #7, Delta # 8,Delta # 9 por el Río San Juan sin novedad especial .

RELEVOS FRONTERIZOS

El día 01-06-96 al ser las 08:00 horas, sale relevo de Delta # 4 a Delta # 9 y de Delta # 9 a Delta # 8, embarcación M.A 2 , Motorista Medal,navegando por le Río San Juan, sin novedad que reportar .

MINISTERIO DE SEGURIDAD PUBLICA **# 19**
COMANDO ATLANTICO P.F.S.

COOPERACION DEL COMANDO ATLANTICO CON EL E.P.S.

El día 02-06-96 al ser las 09:30 horas, se presenta al Puesto de Delta # 9 Boca del Río Sarapiquí, el motorista Celso Gonzalez y motorista Walter Rovelo, ambos del E.P .S., Solicitando autorización para ingresar al poblado de los Angeles de Boca Del Río Sarapiquí, por vía fluvial, para realizar una llamada telefónica, se le informa al Tercer Comandante: Capitan Briones, y él mismo indica que pueden ingresar a nuestro territorio pero sin armas.

OPERATIVO DE PATRULLAJE EN FRONTERA

El 03-06-96 al ser las 08:00 horas,sale comitiva de Delta Cero hacia Barra del Toruguero embarcacion M.A.2 Motorista Orozco,efectivo: Jhonny Alfaro,Dalolio Orvilly y Marvin Vargas,asunto patrullaje en la zona.

OPERATIVO SOBRE EL RIO SAN JUAN PATRULLAJE

El día 09-06-96 al ser las 11:15 horas,sale comitiva embarcación M.A.1, motorista Medal,Tnte: Leiva y dos efectivos, de Delta Cero a Delta # 4, patrullaje sobre el Río San Juan .

OPERATIVO PATRULLAJE

El día 09-06-96 al ser las 16:25 horas,sale comitiva de Delta# 0, a Delta # 4 M.A2,motorista Orozco,Sgto: Valvaerde y tres efectivos, patrullaje en la zona.

COORDINACION CON EL E.P.S.

El día 11-06-96 al ser las 08:16 horas,informa Delta # 9 Boca del Río Sarapiquí, de que maneja información de que en las cercanias de dicho puesto se ahogo un ciudadano que en vida se llamo: Efrain Miranda Araúz de 57 años,el mismo Costarricense, el cuál se ahogo en agua Nicaraguenses, por lo que se coordino con el E. P.S., para el levantamiento del cuerpo en esa zona, al lugar se apersono el Tnte: Jarquí del E.P.S. y el botero Lazo, y el efectivo del Comando Atlántico Miguel Prado, los Oficiales del O.I.J de Puerto Viejo,Sarapiquí: Pablo Fernández,Mario Bustamante, la Alcaldeza Patricia Barquero. C.R. y dos efectivos de esta zona, se procede al levantamiento del cuerpo al ser las 09:20 horas, sin novedad alguna.

MINISTERIO DE SEGURIDAD PUBLICA # 20
COMANDO ATLANTICO P.F.S.

RECORRIDO FRONTERA

El día 30-06-96 al ser las 15:35 horas,sale comitiva del Delta Cero a Delta # 4 Barra del Colorado M.A 2, motorista Orozco,Coronel: Monge,Tnte: Leiva y un efectivo utilizando en Río San Juan .

NOTA : A partir del mes de agosto del 96 hasta el mes de Diciembre del 96, no se registran novedades de relevancia o actividades de gran trasendencia en el Río San Juan, todo se mantiene normal,únicamente realizandose los relevos habituales en los Puestos Fronterizos, según registrados en Actas de 200 folios, y con el fechado antes en mensión;concluyendo así el periodo de1996 .

INICIO PERIODO DE 1997

NOTA : En los libros de Actas de 200 folios de registro con fechado del 01-01-97, hasta 12-12-97, según registros no se registran novedades de relevancia importante, sobre el Río San Juan, todo se mantiene normal en ese periódo; únicamente algunos pequeños operativos,sobre ciudadanos inmigrantes, indocumentados Nicaraguenses en territorio Nacional, unicamente se efectuan con normalidad nuestros relevos fronterizos; navaegando en el Río San Juan . Cerrando Período de 1997 .

INICIO PERIODO DE 1998

NOTA : A partir del mes de Enero 98, hasta Mayo del 98, según registro en libro de Actas con 200 folios, no se registran anomalías, ni novedades durante estos meses,en el Río San Juan .

MINISTERIO DE SEGURIDAD PUBLICA
COMANDO ATLANTICO P.F.S.

21

MES DE JULIO DE 1998

El dia 14-06-98 al ser las 05:35 horas,sale movil # 711,chofer: Edgar Miranda, Mayor: Hugo Espinoza Rodríguez,Tnte: Leiva Jimenéz José, Sgto: Francisco Cubero,Paramédico Zúñiga,Daniel Mádrigal,Mainor Vargas,Juan Carlos García,Ramon Gódinez,Isaías Matamoros,Abel Rojas, con destino a Boca tapada, Río San Carlos y Cureña, y al ser las 09:30 horas llegaron a Baca del Río San Carlos, y al ser las 09L45 Horas,salen con destino al Cerro Chachalaca y Caño Jardín.

CAPTURA DE INDOCUMENTADOS EN FRONTERA

El 14-06-98 al ser las 08:12 Horas, reporta el Puesto de Delta # 14 Cureña, el efectos Froy Monge, el ingreso al puesto del efectivo Jhinny Solís Parra y Marvin Rojas,procedentes de Laguna Cureñita, de la Finca del Señor: Gerardo Miranda Alvarez, en dicha Finca,logran úbicar a catorce ciudadanos indocumentados de origen Nicaraguense,por loque procedieron a trasladarlos al Puesto de Deta# 14,Cureña, al ser las s12:00 horas, llega la movil # 711,cinco efectivos de Delta # 0 y personal de Migración de San Carlos; para trasladar a los indocumentados al Dpto de Migración en San Carlos, se efectuá el traslado al ser las 13:00 horas.

DIFERENCIAS

El día 14--06-96 al ser las 10:40 horas,indica el oficial Tnte: Sánchez de Delta Cero, que mantuvo un dialogo por via telefónica con el Sub-Director de Policia de Fronteras, Mayor Arce, recibiendo el siguiente informe para el Mayor: Hugo Espinoza Rdrez, que por quejas del Coronel"Talavera del E. P. S., no detener a nadie que se encuentre navegando en el Río San Juan, ya que según el Tnte Talavera; en dás anteriores un personal de Delta Cero habian obligado a unas personas a bajarse de una lancha, y que a la vez cuando el personal del Comando Atlántico se desplazara por el Río San Juan, deben portar las armas sobre el piso de la movil acuática .

CAPTURA DE INDOCUMENTADOS EN FRONTERA

El día 14-06-98 a las 14:00 horas indica Jorge Padilla del Puesto Delta # 13 Boca Tapada,Pital,San Carlos, que mantiene en el lugar cuatro ciudadanos Nicaraguenses indocumetados y al ser las 16:02 horas, son trasladados al Dpto de Migración de San Carlos .

MINISTERIO DE SEGURIDAD PUBLICA
COMANDO ATLANTICO P.F.S. **# 22**

DIFERENCIAS POR MARGENES FRONTERIZOS

El día 14-06-98 a las 16:10 horas,informa el Cabo: William Herrera,del Puesto Delta # 7 Delta Costa Rica, que al puesto se presenta el Tnte Primero: Renato Ríos Cardenas,Encargado del Puesto del Ejercito de Nicaragua en Delta Costa Rica, he informando que sigue instrucciones del Tnte: Coronel : Orlando Talavera,Jefé del Destacamento sur del Ejercito de Nicaragua E. P .S. ,dónde indica que a partir de la fecha queda restringido el paso por el Río San Juan, de cualquier autoridad de Costa Rica,por lo que se procede a informar al Segundo Comandante del Comando Atlántico,Mayor: Francisco Córdoba Córdoba, para que coordinase con sus superiores y los mismos tuviesen concocimiento de la situación, y a comó bien pudiecen resolver.

INFORME DEL COMANDO ATLANTICO

El día 14-06-98 al ser las 18:10 horas, informa el Mayor: Hugo Espinoza Rodríguez, desde el Puesto Delta # 16 Boca del Río San Carlos, que a partir de la hora y fecha queda prohibido el ingreso de cualquier funcionario del Ejercito E. P. S., o cualquier dependencia Policial de Nicaragua, de ser úbicado en suelo Costarricense detenerlo y coordinar con superiores.

REPORTE DEL PRIMER COMANDANTE A DELTA CERO

El día 14-06-98 al ser las 18:45 horas, informa el Primer Comandante de Delta # 0, que con relación al operativo realizado en la zona habia concluido a las 19:00 horas,no ubicandose ningun ciudadano indocumentado por lo que permanecera por la noche en Delta # 16 Boca Tapada; para trasladarse enla unidad al día siguiente a Delta # 0 .

NOTA: Los meses de Agosto y Septiembre 98,segun consta en registro de libros de Actas con 200 folios no se reportan novedades de relevancias,únicamente que se mantiene en Río San Juan sin paso para las autoridades Costarricenses,por lo consiguiente se efectuan los relevos a los Puestos Fronterizos de Avanzada por via terrestre, en moviles Policiales, de esta manera sin más que agregar, se informa que se mantiene el Río San Juan sin novedad alguna que reportar .

MINISTERIO DE SEGURIDAD PUBLICA # 23
COMANDO ATLANTICO P.F.S.

NOTA : Mes de Octubre de 1998, según registra el libro de Actas con 200 folios,no se registra actividad en el Rio San Juan, todo transcurre normalmente,realizandose los relevos de los Puestos Fronterizos de Avanzada,por via terrestre, en nuestras unidades moviles Policiales, si novedad alguna .

NOTA ; Del mes de Noviembre del 98 hasta el mes de Diciembre del 98, con fechado hasta el 18-12-98, únicamente se mantiene en registro según consta en libros de Actas de 200 folios,lo siguiente: El dia 04-11-98 al ser las 08:56 horas, reporta el Puesto Delta # 16"Boca del Rio San Carlos"Efecivo : Edgar Gódinez, que sobre el Rio San Juan viaja un pipante blanco, con teho verde, con unos 46 pasajeros aproximadamente, los mismos navegando por el Rio San Juan.

REFERENCIAS DE INDOCUMENTADOS SOBRE EL RIO SAN JUAN

El dia 04-11-98 al ser las 09:48 horas,reporta el Puesto de Cureña,que pasa el mismo pipante con quince pasajeros indocumentados Nicaraguenses.

El dia 04-11-98 al ser las 10:49 horas,reporta el Puesto de Delta # 8 Boca del Rio Sarapiqui, que pasa el mismo pipante con quince pasajeros indocumetados Nicaraguenses sobre el Rio San Juan.

El dia 09-12-98 al ser las 09:10 horas, informa Puesto Delta # 14 Cureña, que pasa un bote de color blanco con franjas rojas y traslada unas 15 personas, y viaja con trayectoria hacia Delta # 16"Boca del Rio San Carlos".

CIERRE DEL PERIODO DE 1998

Que comprende segun registro de libro de Actas de 200 folios con fechado del 01-01-98 hasta el 18-12-98 ,es todo lo leido. Se suscribe dejandolo debidamente informado.

Atentemente,

Mayor: Hugo Espinoza Rodriguez
Primer-Comandante
Comando Atlántico Sarapiquí

ORIGINAL FIRMADO
Mayor Hugo Espinoza Rodríguez
Primer Comandante C/A

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Annex 228

COSTA RICAN FOREIGN MINISTER ROBERTO ROJAS LÓPEZ, STATEMENT TO THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, 8 MARCH 2000, OEA/SER.G CP/ACTA 1224/00, PP. 14-20

TRANSLATION

Address by the Minister Foreign Affairs and Worship of Costa Rica to the Permanent Council of the Organization of American States (OAS)

8 March 2000

Your Excellency Mr. President of the Council
Honorable Ambassadors, Permanent Representatives
Mr. Secretary General of the Organization of American States,
Delegates
Ladies and Gentlemen

In extending a most fraternal greeting in the name of the government of Costa Rica, I would also like to express our gratitude to the President of the Council for the quick response to the request formulated by my country's Delegation for this meeting to take place.

It is in a most fraternal and peaceful spirit and with the assurance that the Hemispheric System offers an adequate legal framework for settling any difference that may arise between Member States, that the government of Costa Rica finds it necessary today to appeal to the Inter-American instruments for the peaceful settlement of controversies in order to try to end the worrisome situation that has arisen with our sister Republic of Nicaragua since July 1998, regarding the scope of the right to free navigation by Costa Rica on the San Juan River, the southern part of which constitutes the border between both countries.

The San Juan River runs through a highly forested region, with tropical and rainy climate, and its banks lack highways or railways, thereby making the river the fundamental communication artery for the inhabitants in the area.

As a result of a large series of historical events and legal instruments, the status of the San Juan River is very particular, reason for which I would like to clarify some aspects that are of fundamental importance for this matter.

According to Article Six of the Cañas-Jerez Treaty of Limits subscribed between Costa Rica and Nicaragua on April 15, 1858, and duly exchanged and ratified, Nicaragua has exclusive dominion and sovereign jurisdiction over the entire extension of the waters of the San Juan River. The southern bank at the lower part of the river is the dividing line between both countries. Costa Rica has not aspired nor aspires to modify this situation, and rejects any insinuation that it questions or wants to deny Nicaragua its sovereignty over the river.

However, the same Article six of the Treaty of Limits clearly establishes that Costa Rica will have perpetual free navigation rights on said waters, with purposes of commerce, from the mouth of the river up until three English miles before the area know as Castillo Viejo. In other words, Nicaragua's sovereign rights over the lower part of the river coexist with Costa Rica's navigation rights.

Back in 1886, as a result of various doubts and objections presented by Nicaragua regarding the validity and scope of the Treaty of Limits, both countries agreed to submit their differences to arbitration by the President of the United States of America. One of the doubtful issues presented by Nicaragua to the arbitrator was if Costa Rica had the right to navigate with vessels of war on the San Juan River. Nicaragua rejected that possibility, and in its pleadings to the arbitrator stated that neither should Costa Rica be allowed to navigate with vessels of revenue service, since these vessels, according to Nicaragua's pleadings in the litigation, were also supposedly "armed vessels capable of achieving their duties through force".

Article Two of the Award issued on March 22, 1888 by President Grover Cleveland stated that Costa Rica could not navigate on the San Juan River with vessels of war, but it expressly stated that it could "navigate on said river with such vessels of the revenue service as may be related to and connected with her enjoyment of the purposes of commerce, accorded to her in said article, or as may be necessary to the protection of said enjoyment".

Therefore the Award – accepted by both countries without objection –acknowledges Costa Rica the right that its revenue service vessels freely navigate on the lower part of the San Juan in order to fulfill its duties. Obviously, a revenue service vessel, destined by its own nature to fulfill services such as preventing contraband, illegal immigration, drug trafficking and other aspects involved in border control, will necessarily require that the governmental agents transported in it carry protective equipment. If not, how can they be expected to perform these tasks? No fiscal police in the world can achieve this only through requests or verbal suggestions.

Note that Costa Rica is not making a capricious interpretation of the Treaty or the Award, but is only defending a right that they guarantee: navigating with fiscal service vessels which, as it was understood by Nicaragua during the time of the Award, were vessels that carried arms. Of course, we are dealing here with light service arms that are duly registered and which at no moment, not even today, may injure or threaten the sovereignty or security of Nicaragua

.Since the late 19th century, Costa Rica organized its fiscal guards at the Border Region with Nicaragua. One of its tasks was to reconnoitre, at least once a week, the lower part of the San Juan in order to fulfill its duties. Surveillance was performed by personnel with service arms. Nicaragua not only did not protest against the surveillance activities by Costa Rican Police, but, as is confirmed in many documents from the period and from recent years, in various opportunities its border authorities performed coordinated tasks with Costa Rican authorities. As a result, it can be concluded that the Cleveland Award, in the opinion of the Nicaragua government, authorized the navigation of Costa Rican fiscal service vessels, with crew that carried service arms.

Confirming and detailing even further the scope of Costa Rica's free navigation rights on the lower part of the San Juan, the Central American Court of Justice, the first permanent International Law court in the history of the world, stated in its sentence of September 30th, 1916 that "the dominion which the Republic of Nicaragua exercises over the San Juan River is not absolute or unlimited; it is necessarily restricted by the rights of free navigation attached thereto and so remarkably granted to Costa Rica, especially if we consider that such rights, exercised for fiscal and defensive purposes, are confounded in their development, in the opinion of treatise writers, with the sovereign faculties of imperium. Such a concession is equivalent to a real right of use, perpetual and inalterable, which places the Republic of Costa Rica in the full enjoyment of the ownership for practical purposes of a large part of the San Juan river, without prejudice to the full ownership which Nicaragua exercises as sovereign of the territory".

This same Court stated that Costa Rica's right to perpetual navigation comprised "…the broad privilege of transit and commerce, and which imposes upon Nicaragua the duty not impede said navigation, but on the contrary the duty to keep the course of the river free…".

According to the above, it remains clear that although Nicaragua is the sovereign of the waters of all of the San Juan River, Costa Rica has navigation rights on the lower part, which include commercial, fiscal and defensive dimensions, as was stated by the Cañas-Jerez Treaty of Limits, the Cleveland Award and the Sentence of the Central American Court of Justice.

Nicaragua also understood it this way for more than one hundred years. Although in different instances throughout the 20th Century problems arose between both countries over the free navigation on the San Juan River, never, until last July 1998, did Nicaragua question the right that Costa Rica had and exercised in order for its border authorities navigated the lower section of the San Juan River, in order to fulfill its duties, in a public, peaceful and continuous manner.

Mr. President,

Costa Rica is a country of peace. Its territorial borders are clearly demarked by treaties and awards, and has no territorial pretensions of any kind. Never in its history has it initiated a war of aggression. As is well known, more than a half a century ago it abolished its army and disarmed itself unilaterally. In abolishing its army, the country trusted its security to International Law instruments, whose effectiveness was demonstrated in other instances in this same forum.

Public order and internal security are trusted to the Civilian Police Force. In order to strengthen the civilian tradition, a few days ago the Costa Rican government even decided to modify the nomenclature of the Police ranks, so that not even in that there would be a reminder of the army that was abolished so long ago. The Costa Rican Police is a very small body that does not possess heavy weaponry, let alone vessels of war.

Not only does geographic proximity unite us to Nicaragua, but also a vast number of common interests and historical and cultural identities. There have been Costa Rican presidents and foreign affairs ministers born in Nicaragua and Nicaraguan presidents born in Costa Rica. Both countries have participated jointly in multiple efforts in favor of Central American integration and the obtainment of cooperation for regional development. A large number of Nicaraguans live and work in Costa Rica, and many have formed families with Costa Ricans. Even after the problem regarding navigation on the San Juan River occurred, the Costa Rican authorities granted an extensive and generous immigration amnesty in order to legalize the situation of thousands of Nicaraguans who reside on our soil and also enjoy the same health and education rights as Costa Ricans do, as stated by our Constitution. The government of Costa Rica, for its part, has reiterated on numerous occasions its will to maintain a relationship of respect and cordiality with Nicaragua.

However, on July 14, 1998, the Nicaraguan Army unilaterally prohibited passage on the lower part of the San Juan River to Costa Rican vessels that transported members of the police carrying their service arms, who had given previous notice to the Nicaraguan authorities.

With an unexplainable attitude, on August 11th, the Nicaraguan Ministry of Foreign Affairs informed the Costa Rican one that it considered: "the Lizano-Cuadra Agreement to be null and void and inexistent", invoking internal legal considerations that were not detailed, and which, in any case, as is prescribed by International Law, cannot affect an international agreement. In addition, it is worth noting that the Costa Rican right regarding this issue does not stem from the 1998 Agreement, but rather from a treaty of limits, an arbitral award and the sentence of an international court, as well as 110 years of peaceful and continuous practice.

To worsen things, his Excellency the President of Nicaragua, Arnoldo Alemán, in various statements made to the press in August 1998, warned, in reference to the issue of Costa Rican navigation on the San Juan River,

"If it is necessary to use the institutions of the Armed Forces that Nicaragua has, we will make use of them…The sovereignty of a country is not discussed, it is defended with weapons in hand."

"… we have the bravery to defend, as General Sandino once stated, the sovereignty of a people with a rifle in hand (…) and if it is necessary for us to give up our own lives then we shall do so too…"

These statements emanated by Nicaragua's highest government official, represent a clear violation of what is stated in Chapter Four of the OAS Charter and Article I of TIAR, which reads:

"The High Contracting Parties formally condemn war and commit themselves in their relationships to not recur to threat or use of force in any form that is incompatible with the provisions of the UN Charter or the present treaty. Analogous precepts are found in Article I of the Pact of Bogotá and other Inter-American instruments.

In spite of this unusual attitude of the government of Nicaragua, Doctor Miguel Angel Rodríguez, President of Costa Rica, stated on August 13, 1998, that our country would not jeopardize the life of its police officers, but that it would not yield its rights and would recur to international means for its rights to be respected.

Based on a firm will and faith in the virtue of dialogue, we began direct negotiations with Nicaragua in order to try to, once again, reach an agreement. On various occasions I discussed this issue with my distinguished Nicaraguan colleague. The Vice Ministers of Foreign Affairs carried out negotiations regarding the matter during September and October 1998, January and August 1999 and February of the present year. We repeatedly presented formulas for a possible agreement of understanding for the government of Nicaragua to consider. However, after almost a year and a half, none of these efforts put an end to the problem.

Regrettably, the government of Nicaragua, in public statements made by its highest officials, also rejected, practically since the beginning of the problem, the possibilities proposed by Costa Rica of submitting the matter to arbitration or recurring by mutual agreement to other mechanisms for peaceful settlement of disputes provided by the Inter American System instruments. A last effort was made by the President of the Republic, this past March 2nd, in a telephone conversation held with the President of Nicaragua, and the result was equally unsuccessful.

We have thus done everything possible to achieve a direct settlement, and perhaps we haven even extended our negotiating effort more than what has been usual in the Hemisphere. Nicaragua has responded negatively to all of Costa Rica's instances to attempt that its rights be respected and that the situation which existed peacefully and without any discussion for 110 years on the lower part of the San Juan River be reestablished.

Mr. President,

Costa Rica has found itself forced, very much to its regret, to accept that the condition provided in the second article of the Pact of Bogotá has been fulfilled, in other words, that the controversy has not been able to be resolved by means of direct negotiations through the usual diplomatic means.

In the Esquivel-Sevilla Treaty of Amity that Costa Rica and Nicaragua signed in 1949, both countries agreed in applying the Inter-American Treaty of Peaceful Settlements, before it was fully enforced in the hemisphere, to the controversies that could arise among them. Regarding this matter, Article 3 of said Treaty states "both governments agree to apply the American Treaty of Peaceful Settlements, known as the Pact of Bogotá, to which they attribute full validity for controversies between them". On this basis, the government of Costa Rica arrives before this Council today to fraternally request the government of Nicaragua, before such qualified witnesses, its agreement for the process of mediation as provided by Article 11 of the Pact of Bogotá.

The solidary collaboration of one or more governments of the hemisphere, or one or more eminent citizens of countries in the Americas, not party to the controversy and jointly elected, will undoubtedly help find a prompt solution to this dispute, which for a year has been generating tension between two countries which given their geography and history should share a close fraternal and cooperative relationship.

A controversy does exist, Mr. President, Ladies and Gentlemen, between Costa Rica and Nicaragua. There are differences concerning the scope both countries give to Costa Rica's right to free navigation on the San Juan River. The existence of the dispute itself is well demonstrated by the fact that for more than 18 months both countries have maintained opposing positions regarding the matter, and direct negotiations have been carried out without any result. The government of Costa Rica, which does not admit any other mechanism for resolving controversies other than those granted by International Law, has the firm hope that the same spirit will prevail in the government of Nicaragua and that, as a result, it will not be unnecessary to recur to other judicial procedures acknowledged by the Inter-American instruments.

"In the name of the people and government of Costa Rica, I extend a fraternal hand to the people of Nicaragua and to its Most Illustrious Government so that we may take advantage of the mechanisms granted to us by the Inter-American system, the OAS, and the goodwill of all of our sister countries, so as to strive to eliminate this unnecessary and unjustified last minute difficulty: and for us to proceed to stretch our traditional ties of collaboration and friendship. Peace, as Benito Juarez stated so many times, lies in respecting the right of the other: We are claiming nothing but a right that dates back to long ago, and is recognized internationally by a treaty, an award and a sentence of the Central American Court of Justice, as well as by the actions themselves of the Nicaraguan government for many decades.

Today we have an infinite number of problems to resolve, of which illegal immigration, fiscal contraband, arms and drug trafficking are not the least. And we are aware that we will only be able to resolve this by advancing together with our sister countries, especially Nicaragua, in an environment of sincere collaboration and fraternity, peace and democracy. For this reason there should be no doubt that this is the time for dialogue, for increasing trust and respect for the current regulations of International Law that govern our relations. This is the moment for peace and agreement, not for conflict, aggression or verbal and political intemperance.

For this reason, upon covering ourselves under the Inter-American System we do so convinced that by searching for peace and demanding respect for the rules of International Law that govern this case, we are not only defending our legitimate and proven national interests, but that we are helping once again to strengthen peace, democracy and the process for the entire region".

Mr. President, Ladies and Gentlemen,

In many opportunities, as occurs with other neighboring countries, Costa Rica and Nicaragua have had discrepancies. However, on all of these occasions, reason and the law prevailed. On all of these occasions, both countries reached the conclusion that there was more that united them than separated them; that a fraternal embrace was always possible; that our border, rather than being a dividing line, must be a point of convergence uniting the sincere desire of two sister nations to build the future together. Today, before the Americas, Costa Rica comes to ask Nicaragua to continue to tread with us on the path of harmony.

In this house of the Americas, I would like to repeat to our Nicaraguan brothers and to all of the countries of the hemisphere a statement made by the President of Costa Rica on August 1998:

"Costa Ricans and Nicaraguans can only progress in a fraternal manner and live in harmony by finding joint solutions to genuine problems that exist between us such as poverty, environmental damage and the need to improve cultural and economic exchanges between nations that face challenges in a world where we all depend on each other".

Thank you very much.

CONSEJO PERMANENTE

CP

OEA/Ser.G
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8 marzo 2000

ACTA

DE LA SESIÓN ORDINARIA

CELEBRADA

EL 8 DE MARZO DE 2000

Aprobada en la sesión del 18 de mayo de 2000

En tanto que México preside el Comité Directivo de la CIM, deseo agradecer el apoyo que la Secretaría Ejecutiva viene otorgando a este órgano del Sistema, que, de hecho, como lo mencionaba el Embajador del Canadá, carece de los recursos indispensables para poder cumplir con sus mandatos. Es esa una cuestión que tendrá que verse en el momento en que adoptemos el próximo presupuesto. Muchas gracias, señor Presidente.

El PRESIDENTE: Thank you very much, Ambassador, for your intervention. The Chair gives the floor to the distinguished Representative of Panama.

El REPRESENTANTE PERMANENTE DE PANAMÁ: Muchas gracias, señor Presidente. Mi Delegación también desea agradecer a la Secretaria Ejecutiva de la Comisión Interamericana de Mujeres, la señora Carmen Lomellin, la presentación que acaba de hacer sobre este informe relativo a la primera reunión ministerial sobre el avance de la mujer, que tendrá lugar en esta ciudad en el mes de abril.

El Gobierno de Panamá y la Delegación de Panamá siempre han apoyado las labores y los programas de la Comisión Interamericana de Mujeres y ven con especial entusiasmo la celebración de esta primera reunión ministerial sobre el avance de la mujer. Panamá ha formado parte del Comité Directivo de la CIM en varias ocasiones e inclusive tuvimos una Secretaria Ejecutiva de la Comisión, la licenciada Elia Guerra. Panamá, por lo tanto, siempre se ha interesado y ha impulsado mucho las labores de la Comisión.

Deseamos aprovechar esta oportunidad para agradecer la invitación que le ha hecho la Comisión a la Presidenta de Panamá, la excelentísima señora Mireya Moscoso, para que asista a este importante evento. Ya hemos trasladado la misma a la señora Presidenta, y le aseguro que esta invitación tendrá especial acogida por parte de ella, como mujer y como gobernante. El papel de la mujer en nuestros días ha cobrado en Panamá mayor vigencia y mayor importancia, y esto se lo debemos, sobre todo, a la Presidenta Moscoso.

Por ello esperamos que con su presencia prestigie este importante y significativo evento y, desde ahora, estamos seguros del éxito de esta reunión que era tan necesaria para los asuntos de la mujer.

Muchísimas gracias, señor Presidente.

El PRESIDENTE: Thank you very much, Ambassador. If there are no further remarks, I thank the Executive Secretary of CIM and assure her that the Council has taken due note of her presentation.

NOTA DE LA MISIÓN PERMANENTE DE COSTA RICA EN RELACIÓN CON LOS HECHOS Y CONTROVERSIAS SUSCITADOS CON LA REPÚBLICA DE NICARAGUA

El PRESIDENTE: The next item is the note from the Permanent Mission of Costa Rica regarding the facts of the dispute that has arisen with the Republic of Nicaragua, document CP/doc.3274/00. I give the floor to His Excellency Mr. Roberto Rojas, Minister of Foreign Affairs and Worship of Costa Rica, to address the issue.

El MINISTRO DE RELACIONES EXTERIORES Y CULTO DE COSTA RICA: Muchas gracias, señor Presidente.

Excelentísimos señores Embajadores, señor Secretario General, excelentísimo colega de Nicaragua, señor Montealegre:

Ante todo quisiera unirme a las felicitaciones a Honduras y a Nicaragua por la firma del acuerdo y reconocer la labor de mediación del Embajador Luigi Einaudi.

Al saludarles fraternalmente en nombre del Gobierno de Costa Rica, quisiera también expresar nuestra gratitud al Presidente del Consejo por la celeridad con que él ha atendido la solicitud que formuló la Delegación de mi país para que se incluyera este tema en la agenda de esta sesión.

Con profundo espíritu fraternal y pacifista, y en la seguridad de que el sistema hemisférico ofrece un marco jurídico adecuado para resolver cualquier diferencia que pueda surgir entre los Estados Miembros, el Gobierno de Costa Rica se ve hoy en la necesidad de invocar los instrumentos interamericanos de solución pacífica de controversias para tratar de poner fin a la preocupante situación que se ha planteado con la hermana República de Nicaragua desde el mes de julio de 1998, en torno a los alcances del derecho de libre navegación de Costa Rica en el río San Juan, parte de cuya ribera sur constituye la frontera entre los dos países.

El río San Juan recorre una región significativamente boscosa, de clima tropical y lluvioso, y en sus márgenes no existen carreteras ni vías férreas, lo cual convierte al río en la arteria fundamental de comunicación para los habitantes de la zona.

Como producto de una larga serie de hechos históricos y de instrumentos jurídicos, el *status* del río San Juan es muy particular, y quisiera, por ello, aclarar algunos aspectos de fundamental importancia para el asunto que nos ocupa.

De conformidad con el artículo 6.° del Tratado de Límites Cañas-Jerez, suscrito entre Costa Rica y Nicaragua el 15 de abril de 1858, y debidamente canjeado y ratificado, Nicaragua tiene exclusivamente el dominio y sumo imperio sobre las aguas del río San Juan, en toda su extensión. En su curso inferior, la ribera sur es la línea divisoria entre ambos países. Costa Rica no ha pretendido ni pretende modificar esta situación y rechaza cualquier insinuación de que ponga en duda o quiera negar la soberanía de Nicaragua sobre el curso del río.

Sin embargo, el mismo artículo 6° del Tratado de Límites establece claramente que Costa Rica tendrá en dichas aguas los derechos perpetuos de libre navegación, con el objeto de comercio, desde la desembocadura del río hasta tres millas inglesas antes del sitio denominado Castillo Viejo. En otras palabras, los derechos soberanos de Nicaragua sobre el curso inferior del río coexisten con los derechos de navegación de Costa Rica.

En 1886, como consecuencia de diversas dudas y objeciones planteadas por Nicaragua con respecto a la validez y alcances del Tratado de Límites, ambos países acordaron someter sus diferencias al arbitraje del Presidente de los Estados Unidos de América. Uno de los puntos dudosos planteados por Nicaragua a la consideración del árbitro fue el de si Costa Rica tenía derecho a navegar con buques de guerra en el río San Juan. Nicaragua rechazaba esa posibilidad, y en sus alegaciones ante el árbitro expresó que tampoco debía permitirse a Costa Rica la navegación con buques de servicio fiscal, porque las naves de servicio fiscal, según uno de los alegatos de Nicaragua en el litigio, también se suponía que eran "naves armadas, capaces de hacer cumplir sus mandatos mediante la fuerza".

En el artículo segundo del Laudo emitido el 22 de marzo de 1888 por el Presidente Grover Cleveland, se dijo que Costa Rica no podía navegar en el San Juan con buques de guerra, pero expresamente se señaló que "puede navegar en dicho río con buques del servicio fiscal relacionados y conexionados con el goce de los propósitos de comercio, que se le reconoce por dicho artículo, o como se necesite para la protección de dicho goce" (el original en inglés dice: *"She may navigate said rivers with such vessels of the revenue service as may be related to and connected with her enjoyment of the 'purpose of commerce' accorded to her in the said article, or as may be necessary to the protection of said enjoyment"*).

El Laudo –que ambos países acataron sin objeción, reconoce a Costa Rica, por consiguiente, el derecho de que sus buques de servicio fiscal naveguen libremente por el curso inferior del San Juan para cumplir con sus funciones. Obviamente, un buque de servicio fiscal, destinado por su propia naturaleza a cumplir funciones de prevención de contrabando, inmigración ilegal, narcotráfico y otros aspectos de control fronterizo, requiere necesariamente que los agentes gubernamentales que en ellos se transporten porten equipo de protección. De otro modo, ¿cómo se pretende que cumplan con esas tareas? Ninguna policía fiscal del mundo puede hacerlo simplemente con instancias o sugerencias verbales.

Nótese que Costa Rica no está haciendo una interpretación antojadiza del Tratado o el Laudo, sino solamente defendiendo un derecho que estos le garantizan: navegar con buques de servicio fiscal que, según como lo entendía Nicaragua en el momento del Laudo, eran naves que llevaban armas. Se trata por supuesto de armas livianas de servicio, debidamente registradas, que en ningún momento, ni en 1888 y mucho menos hoy, podrían vulnerar ni amenazar la soberanía ni la seguridad de Nicaragua.

Desde fines del siglo XIX, Costa Rica organizó sus resguardos fiscales en la región fronteriza con Nicaragua, una de cuyas funciones era recorrer, al menos una vez por semana, el curso inferior del San Juan para cumplir con sus deberes. El resguardo estaba integrado por personal con armas de reglamento. Nicaragua no solo no protestó por la actividad del resguardo fiscal costarricense, sino que, como lo comprueban numerosos documentos de aquella época y de años más recientes, en varias oportunidades sus autoridades fronterizas efectuaron labores coordinadas con las de Costa Rica. De ello puede concluirse que el Laudo Cleveland, en opinión del Gobierno de Nicaragua, autorizaba la navegación en el río San Juan de las embarcaciones de servicio fiscal de Costa Rica, con tripulantes que portaban sus armas de reglamento.

Confirmando y precisando aún más los alcances de los derechos de libre navegación de Costa Rica en el curso inferior del San Juan, la Corte de Justicia Centroamericana, primer tribunal permanente de derecho internacional en la historia del mundo, señaló en su sentencia del 30 de septiembre de 1916:

> ...el dominio que la República de Nicaragua ejerce en el río San Juan, no es absoluto ni ilimitado; tiene que estar restringido por los derechos de libre navegación y anexos, tan remarcablemente otorgados a Costa Rica, sobre todo si se considera que tales derechos, ejercidos para fines fiscales y defensivos, se confunden en su desarrollo, según el sentir de los tratadistas, con las facultades soberanas del *imperium*. Tal concesión, equivale a un derecho

> real de uso, perpetuo e inalterable, que coloca a la República de Costa Rica en el goce pleno del dominio útil de gran parte del río San Juan, sin perjuicio del dominio pleno que conserva Nicaragua como soberana del territorio.

La misma Corte señaló que el derecho de perpetua navegación de Costa Rica era "...comprensivo de la amplia facultad de tránsito y de comercio, y que impone a Nicaragua el deber de no entrabar esa navegación, y el de tener, por el contrario, expedito el curso del río...".

De conformidad con lo expuesto, queda claro que, aunque Nicaragua sea la soberana de las aguas de todo el río San Juan, Costa Rica tiene en su curso inferior derechos de navegación, que comprenden los ámbitos comercial, fiscal y defensivo, según lo precisaron el Tratado, el Laudo y la sentencia de la Corte Centroamericana.

Así lo entendió también Nicaragua durante más de cien años. A pesar de que en diversas oportunidades, a lo largo del siglo XX, se presentaron entre ambos países problemas en torno a la libre navegación en el San Juan, ni una sola vez, hasta julio de 1998, Nicaragua cuestionó el derecho que tenía y ejercía Costa Rica para que sus autoridades fronterizas recorrieran el curso inferior del San Juan, en cumplimiento de sus deberes, en forma pública, pacífica y reiterada.

Señor Presidente, Costa Rica es un país de paz. Sus fronteras terrestres están claramente delimitadas por tratados y laudos y no tiene pretensiones territoriales de ninguna índole. Nunca en su historia ha librado una guerra de agresión. Como es bien sabido, desde hace más de medio siglo suprimió el ejército y se desarmó unilateralmente. Al proscribir las fuerzas armadas, el país confió su seguridad a los instrumentos del derecho internacional, cuya efectividad comprobó en otras oportunidades en este mismo recinto.

El orden público y la seguridad interior están confiados a fuerzas de policía civil. En el ánimo de fortalecer la tradición y vivencia civilista, hace unos pocos días el Gobierno costarricense incluso decidió modificar la nomenclatura de los grados de la fuerza pública, a fin de que ni siquiera en ello quedasen reminiscencias del ejército suprimido hace tanto tiempo. La policía costarricense es un cuerpo muy reducido, que no cuenta con armamento pesado y mucho menos con buques de guerra.

Con Nicaragua nos une no solamente la vecindad geográfica, sino una vasta serie de intereses comunes y de identidades históricas y culturales. Ha habido presidentes y cancilleres de Costa Rica nacidos en Nicaragua y presidentes de Nicaragua nacidos en Costa Rica. Ambos países han participado juntos en múltiples tareas en pro de la integración centroamericana y de la obtención de cooperación para el desarrollo regional. Un elevado número de nicaragüenses reside y trabaja en Costa Rica, y no pocos de ellos han formado familias con costarricenses. Aun después del surgimiento del problema en torno a la navegación en el río, las autoridades costarricenses concedieron una amplia y generosa amnistía migratoria para regularizar la situación de miles de nicaragüenses que residen en nuestro suelo y que además disfrutan de los mismos derechos que los costarricenses en cuanto a educación y salud, como lo ha señalado nuestra Sala Constitucional. Por su parte, el Gobierno de la República ha reiterado en innumerables ocasiones su voluntad de mantener con el de Nicaragua una relación de respeto y cordialidad.

Sin embargo, el 14 de julio de 1998 el Ejército nicaragüense, unilateralmente, prohibió el paso por el curso inferior del río San Juan a las embarcaciones costarricenses que transportasen a miembros de la fuerza pública que portasen sus armas de reglamento y dando previo aviso correspondiente a las autoridades de Nicaragua.

En una actitud inexplicable, el 11 de agosto la Cancillería de Nicaragua comunicó a la de Costa Rica que consideraba nulo e inexistente el Acuerdo Lizano-Cuadra e invocó para ello consideraciones de orden jurídico. Cabe recordar, además, que el derecho de Costa Rica sobre este particular no deriva del acuerdo de 1998, sino de un tratado de límites, de un laudo arbitral y una sentencia del tribunal internacional, además de ciento diez años de práctica reiterada y pacífica.

Para agravar las cosas, el excelentísimo señor Presidente de Nicaragua, Arnoldo Alemán, en diversas declaraciones hechas a la prensa en agosto de 1998, advirtió, en relación con el tema de la navegación costarricense en el río San Juan: "Si es necesario hacer uso de la institución de las fuerzas armadas que tiene Nicaragua, vamos a hacer uso de ellas... La soberanía de un pueblo no se discute, se defiende con las armas en la mano". También "...tenemos la gallardía de defender, como decía el General Sandino, la soberanía de un pueblo con el fusil en la mano... y si es necesario entregar nuestras vidas pues también vamos a entregarlas...".

Estas manifestaciones emanadas del más alto funcionario gubernamental de Nicaragua representan una clara violación a lo prescrito en el capítulo IV de la Carta de la Organización y el artículo 1º del TIAR, el cual reza: "Las Altas Partes Contratantes condenan formalmente la guerra y se obligan en sus relaciones a no recurrir a la amenaza ni al uso de la fuerza en cualquier forma incompatible con las disposiciones de la Carta de las Naciones Unidas o del presente Tratado". Análogos preceptos se encuentran en el artículo I del Pacto de Bogotá y en otros instrumentos interamericanos.

A pesar de esta insólita actitud del Gobierno de Nicaragua, el doctor Miguel Ángel Rodríguez, Presidente de Costa Rica, expresó el 13 de agosto de 1998 que nuestro país no expondría la vida de sus policías, pero que no cedería sus derechos y que recurriría a las vías jurídicas internacionales para lograr que sus derechos se respetasen.

Con firme voluntad y con fe en las virtudes del diálogo, iniciamos negociaciones directas con Nicaragua para tratar de llegar otra vez a un acuerdo. En varias ocasiones discutí el asunto con mi distinguido colega nicaragüense. Los Vicecancilleres efectuaron negociaciones sobre el particular en septiembre y octubre de 1998, enero y agosto de 1999 y febrero del presente año. Presentamos reiteradamente a la consideración del Gobierno de Nicaragua fórmulas para un posible acuerdo de entendimiento. Sin embergo, después de casi un año y medio, ninguno de estos esfuerzos puso fin al problema.

Lamentablemente, el Gobierno de Nicaragua, en públicas declaraciones de sus más altos funcionarios, también rechazó, prácticamente desde que se inició el problema, las posibilidades planteadas por Costa Rica de someter el asunto a un arbitraje o recurrir de común acuerdo a otro de los mecanismos de solución pacífica de controversias previstos en los instrumentos del sistema interamericano. Un último intento lo efectuó el señor Presidente de la República apenas el pasado 2 de marzo en una conversación telefónica con el Presidente de Nicaragua. El resultado fue igualmente infructuoso.

Hemos hecho lo posible, por consiguiente, para llegar a un arreglo directo, e incluso quizás hemos prolongado el esfuerzo negociador más allá de lo que ha sido usual en el Hemisferio.

Nicaragua ha respondido negativamente a todas las instancias de Costa Rica para lograr que se respeten sus derechos y se restablezca en el curso inferior del San Juan la situación que existió, pacíficamente y sin discusión, durante ciento diez años.

Señor Presidente, Costa Rica se ha visto obligada, muy a su pesar, a reconocer que se ha cumplido el supuesto del artículo II del Pacto de Bogotá, es decir, que la controversia no ha podido ser resuelta por negociaciones directas a través de los medios diplomáticos usuales.

En el Pacto de Amistad Esquivel-Sevilla, que Costa Rica y Nicaragua firmaron en 1949, ambos países convinieron en aplicar el Tratado Interamericano de Soluciones Pacíficas, aun antes de su pleno vigor en el Hemisferio, a las controversias que pudiesen suscitarse entre ellos. En este sentido, dice el artículo III de dicho Tratado: "…ambos gobiernos convienen en aplicar el Tratado Americano de Soluciones Pacíficas, conocido con el nombre de Pacto de Bogotá, al que dan plena validez para las controversias entre ellos…".

Con este fundamento, el Gobierno de Costa Rica viene hoy ante este Consejo a solicitar fraternalmente al Gobierno de Nicaragua, ante tan calificados testigos, su concurso para que se aplique el procedimiento de mediación previsto en el artículo XI del Pacto de Bogotá.

La solidaria colaboración de uno o más gobiernos del Hemisferio, o de uno o más ciudadanos eminentes de países americanos extraños a la controversia, elegidos conjuntamente, sin duda coadyuvará a encontrar una pronta solución a este diferendo, que ya lleva un año y medio de generar tensiones entre dos pueblos llamados por la geografía y la historia a una relación fraternal y de estrecha cooperación.

Existe, señor Presidente, una controversia entre Costa Rica y Nicaragua. Existen divergencias entre los alcances que ambos países dan a los derechos de libre navegación de Costa Rica en el río San Juan. La existencia misma de la diferencia está bien demostrada con el hecho de que a lo largo de más de dieciocho meses los dos países han mantenido posiciones contrapuestas sobre este asunto y se han realizado negociaciones directas sin resultado. El Gobierno de Costa Rica, que no admite otros mecanismos de solución de controversias que los consagrados en el derecho internacional, tiene la firme esperanza de que el mismo espíritu prevalecerá en el Gobierno de Nicaragua y que no será, por consiguiente, necesario recurrir a otros de los procedimientos jurídicos previstos en los instrumentos interamericanos.

A nombre del pueblo y Gobierno de Costa Rica, yo extiendo una mano fraterna al pueblo de Nicaragua y a su ilustrísimo Gobierno para que, aprovechando los medios que nos brindan el sistema interamericano, la OEA y la buena voluntad de todos los otros países hermanos, nos aboquemos a eliminar este innecesario e injustificado escollo de última hora, y para que procedamos a estrechar nuestros vínculos de colaboración y amistad tradicionales. La paz, como tantas veces se ha dicho recordando a Benito Juárez, radica en el respeto al derecho ajeno. Nosotros no reclamamos ni más ni menos que un derecho de vieja data, por lo demás reconocido internacionalmente por un tratado, un laudo y una sentencia de la Corte Centroamericana de Justicia, así como por los propios actos de los Gobiernos de Nicaragua durante muchas décadas.

Nosotros tenemos hoy infinitos problemas que resolver, de los cuales la inmigración ilegal, el contrabando fiscal, el tránsito de armas y el narcotráfico no son los menos. Estamos conscientes de que solo podremos resolverlos avanzando junto con nuestros países hermanos, y en especial con

Nicaragua, en un ambiente de franca colaboración y fraternidad de paz y democracia. Por eso no debe haber la menor duda de que esta es la hora del diálogo, del incremento de la confianza y del respeto a las normas vigentes del derecho internacional que rigen nuestras relaciones. Es el momento de la paz y la concordia, no del conflicto o de agresión o de la intemperancia verbal o política.

Por eso, al cobijarnos bajo el sistema interamericano lo hacemos convencidos de que al buscar la paz y reclamar el respeto a las normas del derecho internacional que rigen el caso, no solo defendemos nuestros legítimos y probados intereses nacionales, sino que ayudamos nuevamente a fortalecer la paz, la democracia y el progreso en toda la región.

Señor Presidente, señoras y señores, en muchas oportunidades, como les ocurre a otros países fronterizos, Costa Rica y Nicaragua han tenido discrepancias. Sin embargo, en todas esas ocasiones la razón y el derecho prevalecieron. En todas esas ocasiones, los dos países llegaron a la conclusión de que era más lo que los unía que lo que los separaba; que siempre era posible el abrazo fraternal; que nuestra frontera, más que una línea divisoria, debía ser un punto de convergencia donde se reuniera el empeño sincero de dos pueblos hermanos por construir juntos el porvenir. Hoy, ante América, Costa Rica viene a instar a Nicaragua a seguir recorriendo juntas el sendero de la armonía.

En esta Casa de las América, quisiera reiterar a nuestros hermanos de Nicaragua y a los países todos del Hemisferio, lo expresado por el señor Presidente de Costa Rica en agosto de 1998:

> Costarricenses y nicaragüenses solo podemos desarrollarnos de manera fraterna y convivir bajo el mismo cielo, buscando juntos soluciones para los verdaderos problemas comunes, como la pobreza, el deterioro del ambiente y la necesidad de mejorar los intercambios culturales y económicos entre países que enfrentan retos en un mundo donde todos dependemos unos de los otros.

Muchas gracias, señor Presidente.

El PRESIDENTE. The Chair thanks His Excellency, the distinguished Minister of Foreign Affairs of Costa Rica.

As previously requested, the Chair now gives the floor to His Excellency Mr. Eduardo Montealegre, Minister of Foreign Affairs of Nicaragua.

El MINISTRO DE RELACIONES EXTERIORES DE NICARAGUA: Muchas gracias.

Señor Presidente, excelentísimo colega, amigo, señor Ministro de Relaciones Exteriores y Culto de Costa Rica, señor Secretario General, señores miembros del Consejo Permanente de la Organización de los Estados Americanos:

Me dirijo a ustedes en ocasión de hacer referencia a la solicitud dirigida al honorable señor Presidente por Su Excelencia Hernán Castro, Embajador Representante Permanente del ilustrado Gobierno de la República de Costa Rica.

Los reclamos que hoy hace Costa Rica parten de la pretensión de que tienen total libertad de navegación por el río San Juan. El reclamo costarricense que ha dado origen a todo este asunto consta en la correspondencia dirigida por el excelentísimo señor Ministro de Gobernación y Policía

Annex 229

NICARAGUAN FOREIGN MINISTER EDUARDO MONTEALEGRE, STATEMENT TO THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, 8 MARCH 2000, OEA/SER.G CP/ACTA 1224/00, PP. 20-26

TRANSLATION

Address by Eduardo Montealegre R., Minister Of Foreign Affairs of the Republic of Nicaragua, to the Permanent Council of the Organization of American States

8 March 2000

Mr. President

Members of the Permanent Council of the Organization of American States

Mr. Secretary General

Minister of Foreign Affairs of Costa Rica

I address you in regard to the request made before the Honourable Mr. President by His Excellency Hernan Castro, Ambassador Permanent Representative of the Illustrious Government of Costa Rica.

The claims made by Costa Rica today are based on the pretension that they have total freedom of navigation along the San Juan River. The Costa Rican claim that has given rise to this entire matter is stated in the correspondence addressed by His Excellency the Minister of Governance and Police of the Republic of Costa Rica to the Minister of Governance of the Republic of Nicaragua on July 15, 1998 which, in its pertinent sections, states, and I quote:

"Mr. Jose Antonio Alvarado, Minister of Governance, Republic of Nicaragua.

Dear Sir: In accordance with our telephone conversation held yesterday in which I informed you that our Police Force had been prevented from navigating along the San Juan River with their service arms whilst carrying out food supply and relief of personnel tasks at the border posts on the right bank of the said river."

As it was stated by the Ambassador of Costa Rica in his letter of the 3rd of this month, efforts have been made through different mechanisms, the most noteworthy of which are the exchange of diplomatic notes and different bilateral or multilateral meetings. Nicaragua, in honour of the historical ties of friendship and cooperation that exist between the two countries and

Governments, has made every effort to cooperate in resolving the alleged need of the Costa Ricans to supply and relieve their border posts on the right bank of the San Juan River via the aforementioned river itself, despite the fact that Costa Rica has easy access to these areas by land and by numerous airplane landing strips. Our Government has even offered to guarantee the security of the Costa Rican Police Force while it is on Nicaraguan territory, and ultimately authorize – provided authorization is requested – the registration of arms and that the requirements established by national laws and regulations are complied with. In the same way any of us wishing to travel to their neighbouring country with a weapon, it must request authorization and hold a license for carrying arms as well as comply with the laws of the country it is visiting.

With regard to the subject of the San Juan River, it is worth recalling that, according to the Treaty of Limits between Nicaragua and Costa Rica of 15 April 1858, the San Juan River is a Nicaraguan river, the entire course of which runs through Nicaraguan territory. The said treaty states, and I quote:

> Article VI of the Jerez-Cañas Treaty: "The Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan River, from its source in the lake to its mouth in the Atlantic."

In that same instrument the Parties agreed on certain rights for the Republic of Costa Rica, who wished to be able to use the river to transport its coffee produce. At that time the Costa Rican economy depended heavily on its coffee exports and its transportation along the river avoided the extremely long journey via Tierra del Fuego. Thus the text of Article VI stipulates further on, and I quote:

> "The Republic of Costa Rica shall have the perpetual right of free navigation on the said waters, between the said mouth and the point, three English miles distant from Castillo Viejo, said navigation being for the *objetos de comercio* either with Nicaragua or with the interior of Costa Rica, through the San Carlos river, the Sarapiquí, or any other way proceeding from the portion of the bank of the San Juan river, which is hereby declared to belong to Costa Rica."

This means that Nicaragua exercises, without any discussion, full sovereignty, control and jurisdiction over the entire course of the San Juan River and that Costa Rica's rights, which Nicaragua has always respected, are limited to free navigation along a stretch of the river, and only for transporting *objetos de comercio*. This specific provision of the Treaty excludes tourism and other activities.

It is ironic to recall that the situation that motivated the present meeting is a repetition of the events that occurred over 110 years ago. On that occasion Costa Rica also pretended to have the right for its troops to navigate armed along the San Juan River. This attempt by Costa Rica to navigate with vessels of war created a climate of extreme tension in our nations' bilateral relations. We believed that that old dispute which Costa Rica's present administration is today rekindling had been clarified and resolved once and for all when the controversy was submitted to the arbitral decision of President Cleveland in 1888.

It is worth noting that on that occasion Nicaragua's rights were reaffirmed in the Award given by President Cleveland. Said instrument clarified Costa Rica's rights regarding the San Juan River in accordance with the Treaty of 1858. In this respect the Award states and I quote:

> "The Republic of Costa Rica has not the right of navigation of the river San Juan with vessels of war; but she may navigate said river with such vessels of the Revenue Service as may be related to and connected with her enjoyment of the "purposes of commerce" accorded to her…or as may be necessary to the protection of said enjoyment.

The last time the status of the San Juan River was interpreted by a third party was on the occasion of the awards given by the engineer Mr. Alexander within the framework of the Matus-Pacheco Convention, in which the governments of Nicaragua and Costa Rica committed themselves to appoint a commission to trace and mark the boundaries of the dividing line between both Republics. The engineer arbitrator Mr. Alexander issued five awards aimed at resolving points of dispute that could have arisen due to the tracing and demarcation of the dividing line of the two Republics. The engineer Alexander at all time reasserted Nicaragua's full sovereignty over the San Juan at all times. For example, award No. 3 of March 22, 1898 states that the limit between Costa Rica and Nicaragua is the bank of the river in the normal state of the waters. In this state, the Award points out literally, "every portion of the river's waters is under the jurisdiction of Nicaragua."

This constitutes a very valuable statement in that it categorically and wholly reasserts the fact that the San Juan River is not the border, but the bank; that is, as we have maintained all along, it is a dry border since the river belongs, in its entirety, to Nicaragua. Subsequently, the most important conclusion in regard to this point is that Nicaragua, as sovereign over the waters and river bed, has every right to impose measures of control and regulation over the river, be their nature related to migration, sanitation, customs, jurisdiction, security or the protection of resources or ecology.

There is a great difference (for the citizens of any country) between exercising a sovereign right to navigate in the national waters of one's country and navigating in the jurisdictional waters of another country by virtue of a right of free transit or navigation. In the first case, transit is regulated by the laws and regulations of one's own country and in the second, it is subject to the laws and regulations of the other country to which the waters it navigates belong.

The above cannot be understood otherwise. Although it is true that Costa Rica has the right to free navigation for *objetos de comercio*, the instruments that define Nicaragua's rights to the river, as already stated, clearly stipulate that the dominion and sovereign jurisdiction over that river correspond exclusively to Nicaragua. What would become of that right if Costa Rica's security forces could navigate armed and with complete freedom through our territory?

When President Cleveland's Award was given, certain Costa Rican circles criticized the fact that the said Award prohibited the navigation of Costa Rican war vessels on the San Juan. This led the distinguished Costa Rican statesman, Mr. Ricardo Jimenez de Oreamuno, to write the following in 1888:

> "The emphasis article 6 places on the fact that Nicaragua shall have the dominion and sovereign jurisdiction over the waters of the river demonstrates the wish to establish a difference between the rights it was considered appropriate for Nicaragua and Costa Rica to have in those waters."

In effect, and if Nicaragua and Costa Rica had the same rights, then, as Mr. Ricardo Jimenez rightly states: "What practical effect does the solemn declaration that "the dominion and sovereign jurisdiction over the waters belong to Nicaragua" have?" … "The exception was stipulated, that Costa Rica would have perpetual rights of free navigation for the purposes of commerce. If the exception of vessels of war does not appear in the article the conclusion is logical: it was not believed Costa Rica had a right to it."

A very logical point emerges from that stated by the Honourable Statesman of the Republic of Costa Rica: Nicaragua, by virtue of the Jerez Cañas Treaty, granted Costa Rica a right of free navigation for *objetos de comercio*, not an unrestricted right. Any navigation undertaken by Costa Rica in the waters of the San Juan River that does not correspond to the navigation expressly contemplated in the Jerez - Cañas Treaty and the Cleveland Award in force in the part of the river established in the international instruments currently in effect should be expressly authorized by Nicaragua, as the country possessing full sovereignty over the waters of the said river and, as such, able to establish all manner of regulations that, by virtue of the said sovereignty, it deems necessary to establish.

Nicaragua has exercised, exercises and shall continue to exercise, all the attributes of her sovereignty without in any way affecting Costa Rica's right to free navigation in the terms stipulated in the Jerez Cañas Treaty and the Cleveland Award.

Mr. President, Members of the Council:

The type of navigation the Government of the Republic of Costa Rica pretends today is of a nature that is not contemplated in the documents I have referred to. In fact, the problem brought before you today is a problem that first appeared when the present Government of Costa Rica began its term in office in 1998. There had been some differences of opinion prior to this in regard to whether Costa Rica had the right to navigate freely with vessels transporting tourists along the part of the San Juan where they have freedom of navigation for *objetos de comercio*, and it was accepted that the Treaty of 1858 did not contemplate this possibility. It is ironic that today, 110 years after the same was true of vessels of war, the Government of a country that prides itself on not having armed forces should call us before this forum in the hope that its security officers be allowed to use arms whilst navigating a Nicaraguan river.

Mr. President, the Law and practice between Nations has shown us that the rights of navigation or transit which nations grant in bilateral or multilateral treaties due to reciprocity or special circumstances related to vicinity, with a view to facilitating commerce and maritime or river transit, do not entail extra-territorial rights and, therefore, all vessels and their crews are subject to the jurisdiction that prevails in the territory they are travelling through. The same is true of land transit, trains, buses, private vehicles and their passengers are all subject to the laws and courts of the countries they travel through, even if they are doing so under the protection of a right of transit established in a treaty.

In light of the above, my Government considers that the need of the Costa Rican Police Force to navigate with their service arms is subject to the internal jurisdiction of the Republic of Nicaragua and thus the Costa Rican request is unfounded in accordance with Article V of the Pact of Bogota, which, in its opening paragraphs states: "The aforesaid procedures may not be applied to matters which, by their nature, are within the domestic jurisdiction of the State.." Nonetheless, in the interests of the cooperation all nations of the world should extend to each other, in particular two friendly, sister and neighbouring countries, my Government is willing to continue with the frank and open talks that Nicaragua and Costa Rica have held to date.

In all other respects, it should be pointed out that these talks we have been holding with Costa Rica have not been limited to the matter of navigation on the San Juan. A rather more important issue, to which it has not been possible to find a solution, has been under discussion for a number of years now. This issue, which is of the utmost importance to Nicaragua, and there is little doubt in our minds that it is also of great importance to the international community, is the issue of the huge amount of pollution that is being created by the banana plantations and other Costa Rican companies in the waters of the San Juan and even in the waters of the Great Lake of Nicaragua. It is, quite frankly, ironic that the Government of a country that prides itself on the protection it provides for the environment and prides itself for not possessing an army, does not take even the most basic measures to prevent the destruction of an ecological resource that is so essential to our planet, and that its only concern is to attempt to obtain a right that does not correspond to it, to transit armed freely on a part of the Nicaraguan territory.

This issue of the protection of the environment in the border zone between Nicaragua and Costa Rica is not being brought under discussion in order to obscure another more important and more pressing problem that is making relations between our countries deteriorate. On the contrary, I believe that in this day and age any citizen from any part of the world would find it inexplicable that a forum as important as this should be more concerned with deciding if a country's armed forces can move around another country's territory than with the issue of protecting our planet.

On the other hand, the topic is not a new one. Nicaragua has, for several years now, been stressing the need to reach an agreement that regulates this matter since Costa Rica's industrial and agricultural development has been consistently damaging the border zone's ecological system, particularly in the River San Juan. It was precisely the Organization of American States that, in 1997, sponsored a proposed Treaty to regulate the said matter. As of that date, the draft Treaty, drawn up by a jurist from Nicaragua and another from Costa Rica, was submitted for consideration to the Government of Costa Rica. However, the only action taken by the present Government of Costa Rica in relation to the San Juan has been its pretension to transit armed in that part of the Nicaraguan territory.

Although this presentation is of a general character, given that Nicaragua reserves the right to submit in written form and more extensively its legal observations regarding the request made by Costa Rica, we do, as of now, reject the legal basis upon which Costa Rica establishes its action against Nicaragua in the following terms:

1. Costa Rica cites the Inter-American Treaty of Reciprocal Assistance to back up its request. This instrument has not the least application in this case

given that the dispute does not arise as a result of an act of aggression on the part of Nicaragua but rather from a difference in interpretation of the instruments regulating the relations between both nations.

Without alluding to the past, it suffices to read the latest news and statements made by Costa Rican officials to comprehend that there is no situation whatsoever that may endanger the existing peace between the two nations. I believe that, apart from a few statements made by the Nicaraguan authorities that Costa Rica has specifically chosen and quoted out of context, and which, moreover, were made many months ago, there are no reports in the newspapers that indicate any situation jeopardizing peace in the continent. I should point out, in relation to these statements made by Nicaraguan personalities, that we could also appear before this forum quoting statements made by Costa Rican officials that could be considered diplomatically out of place. The truth is that the situation is not of aggression from either side that may endanger peace. The Costa Rican Minister of Security, Mr. Rogelio Ramos, stated, on the third of the current month, that the area bordering the river is (and I quote) "absolutely normal." He added (and I quote) that "What we do have is a dispute regarding an aspect of navigation on the San Juan River. We are not mobilizing additional police there, nor are the Nicaraguans, and we hope that, with the help of the OAS, we may resolve the conflict." These statements were compiled by the EFE Press Agency and were published in the OAS News Bulletin the day before yesterday, Monday the 6th of the current month.

2. Costa Rica also invokes the American Treaty on Pacific Settlement in support of her request. In regard to this Treaty we have already mentioned that the dispute dividing both parties is one which, by its very nature, pertains to the jurisdiction of the Nicaraguan State and is not, therefore, contemplated in the procedures of the Pact of Bogota in accordance with Article V of the same. To assume that the question of armed navigation by Costa Rican authorities on a river whose "dominion and sovereign jurisdiction" correspond to Nicaragua is not an issue that should be submitted to the internal jurisdiction of Nicaragua is to undermine that very dominion and sovereign jurisdiction and reduce it to a joint ownership that is not contemplated in the instruments regulating the matter. Furthermore, article VI of the Pact of Bogota literally states (quote) "nor could the said procedures be applied to matters already settled by…arbitration, or by an international court ruling, or regulated by agreement or treaties in force at the time of the signing of this Pact." The Pact of Bogota dates from 1948, the Jerez - Cañas Treaty dates back to 1858 and the President Cleveland arbitration Award dates back to 1888.

3. In regard to the OAS Charter itself and the mandate of the Permanent Council, allow me to point out the following. The matter presented by Costa

Rica is evidently one of legal interpretation and not one that can be resolved by researching the facts related to the controversy. The situation *in situ* is as clear as was described by the Costa Rican Minister of Security's in the statement quoted above.

Nicaragua reiterates its position and its willingness to continue holding bilateral talks and negotiations with Costa Rica regarding all the issues on their bilateral agenda. Should these bilateral talks be interrupted by the opening up of a mechanism for solution other than that of negotiation, in such case Nicaragua shall request the Permanent Council be informed of the serious damage suffered by the San Juan River by Costa Rica. A situation that warrants an inspection carried out by experts to determine where the pollutants are coming from and what the solution to the problem should be.

Mr. President, Members of the Permanent Council, in conclusion, I would like to reassert Nicaragua's strict adherence to International Law before this Honourable Council and, in this particular case, to the international instruments that establish the legal status of the San Juan River as well as the fact that you may rest assured that the Republic of Nicaragua respects and shall continue to respect the rights she granted Costa Rica in the Treaty of Limits of 1858, and that there is currently no external aggression, or situation or act of hostility that justifies the request made by Costa Rica before this forum.

CONSEJO PERMANENTE

OEA/Ser.G
CP/ACTA 1224/00
8 marzo 2000

ACTA

DE LA SESIÓN ORDINARIA

CELEBRADA

EL 8 DE MARZO DE 2000

Aprobada en la sesión del 18 de mayo de 2000

Nicaragua, en un ambiente de franca colaboración y fraternidad de paz y democracia. Por eso no debe haber la menor duda de que esta es la hora del diálogo, del incremento de la confianza y del respeto a las normas vigentes del derecho internacional que rigen nuestras relaciones. Es el momento de la paz y la concordia, no del conflicto o de agresión o de la intemperancia verbal o política.

Por eso, al cobijarnos bajo el sistema interamericano lo hacemos convencidos de que al buscar la paz y reclamar el respeto a las normas del derecho internacional que rigen el caso, no solo defendemos nuestros legítimos y probados intereses nacionales, sino que ayudamos nuevamente a fortalecer la paz, la democracia y el progreso en toda la región.

Señor Presidente, señoras y señores, en muchas oportunidades, como les ocurre a otros países fronterizos, Costa Rica y Nicaragua han tenido discrepancias. Sin embargo, en todas esas ocasiones la razón y el derecho prevalecieron. En todas esas ocasiones, los dos países llegaron a la conclusión de que era más lo que los unía que lo que los separaba; que siempre era posible el abrazo fraternal; que nuestra frontera, más que una línea divisoria, debía ser un punto de convergencia donde se reuniera el empeño sincero de dos pueblos hermanos por construir juntos el porvenir. Hoy, ante América, Costa Rica viene a instar a Nicaragua a seguir recorriendo juntas el sendero de la armonía.

En esta Casa de las América, quisiera reiterar a nuestros hermanos de Nicaragua y a los países todos del Hemisferio, lo expresado por el señor Presidente de Costa Rica en agosto de 1998:

> Costarricenses y nicaragüenses solo podemos desarrollarnos de manera fraterna y convivir bajo el mismo cielo, buscando juntos soluciones para los verdaderos problemas comunes, como la pobreza, el deterioro del ambiente y la necesidad de mejorar los intercambios culturales y económicos entre países que enfrentan retos en un mundo donde todos dependemos unos de los otros.

Muchas gracias, señor Presidente.

El PRESIDENTE: The Chair thanks His Excellency, the distinguished Minister of Foreign Affairs of Costa Rica.

As previously requested, the Chair now gives the floor to His Excellency Mr. Eduardo Montealegre, Minister of Foreign Affairs of Nicaragua.

El MINISTRO DE RELACIONES EXTERIORES DE NICARAGUA: Muchas gracias.

Señor Presidente, excelentísimo colega, amigo, señor Ministro de Relaciones Exteriores y Culto de Costa Rica, señor Secretario General, señores miembros del Consejo Permanente de la Organización de los Estados Americanos:

Me dirijo a ustedes en ocasión de hacer referencia a la solicitud dirigida al honorable señor Presidente por Su Excelencia Hernán Castro, Embajador Representante Permanente del ilustrado Gobierno de la República de Costa Rica.

Los reclamos que hoy hace Costa Rica parten de la pretensión de que tienen total libertad de navegación por el río San Juan. El reclamo costarricense que ha dado origen a todo este asunto consta en la correspondencia dirigida por el excelentísimo señor Ministro de Gobernación y Policía de la República de Costa Rica al señor Ministro de Gobernación de la República de Nicaragua el día 15 de julio de 1998, que en sus partes pertinentes dice:

Señor José Antonio Alvarado
Ministro de Gobernación
República de Nicaragua

Estimado señor:

De acuerdo a nuestra conversación telefónica del día de ayer, en la cual le informé que se había impedido la navegación por el río San Juan de nuestra fuerza pública portando sus armas de reglamento, en acciones de abastecimiento de alimentación y relevo de los puestos ubicados en la margen derecha de dicho río.

Como afirma el señor Embajador de Costa Rica en su carta del día 3 de los corrientes, se han realizado esfuerzos a través de diferentes mecanismos, entre los que se destacan el intercambio de notas diplomáticas y diferentes encuentros bilaterales o multilaterales. Nicaragua, en aras de las históricas relaciones de amistad y cooperación que existen entre ambos pueblos y Gobiernos, ha puesto sus mejores esfuerzos en cooperar para solucionar la presunta necesidad costarricense de abastecer y relevar por medio del San Juan sus puestos ubicados en la margen derecho del río, a pesar de que en esas zonas Costa Rica tiene fácil acceso por tierra y por numerosas pistas de aterrizaje de aviones.

Esta situación se produjo cuando autoridades de Costa Rica intentaron navegar armadas, sin solicitar la autorización que normalmente solicitaban. Las autoridades nicaragüenses se vieron obligadas a impedirles el ingreso en dichas áreas. A partir de ese momento, nuestro Gobierno ha llegado incluso a ofrecer garantías para la seguridad de la fuerza pública costarricense mientras se encuentre en territorio nicaragüense, y eventualmente autorizar, siempre y cuando le sea solicitada la autorización, que se registren las armas y se cumpla con los requisitos de ley y reglamentos nacionales existentes, de la misma manera que si cualquiera de nosotros desea viajar a su vecino país con un arma, tiene que solicitar autorización y llevar un permiso de portación y sujetarse a las leyes del país que visite.

En lo que hace al tema del río San Juan, es conveniente recordar, como decía mi colega y amigo, que de conformidad con el Tratado de Límites entre Nicaragua y Costa Rica, del 15 de abril de 1858, el río San Juan es un río nicaragüense y que corre, en toda su extensión, por territorio nicaragüense. Dicho Tratado dispone en su artículo 6º: "La República de Nicaragua tendrá exclusivamente el dominio y sumo imperio sobre las aguas del río San Juan, desde su salida del Lago hasta su desembocadura en el Atlántico".

En ese mismo instrumento, las Partes acordaron algunos derechos para la República de Costa Rica, que deseaba poder utilizar el río para el transporte de su producción de café. En aquella época, la economía de Costa Rica dependía en gran medida de sus exportaciones de café y su transporte por el río evitaba el larguísimo viaje por la Tierra del Fuego. Por eso, el texto del artículo 6º dispone más adelante:

> …la República de Costa Rica tendrá en dichas aguas los derechos perpetuos de libre navegación, desde la expresada desembocadura hasta tres millas inglesas antes de llegar al Castillo Viejo, con objetos de comercio, ya sea con Nicaragua o al interior de Costa Rica, por los ríos San Carlos o Sarapiquí, o cualquiera otra vía procedente de la parte que en la ribera del San Juan se establece corresponder a esta República.

Esto quiere decir que Nicaragua ejerce, sin discusión alguna, plena soberanía, control y jurisdicción sobre el río San Juan en toda su extensión, y los derechos de Costa Rica, que Nicaragua siempre ha respetado, se limitan a la libre navegación en un trecho del río y únicamente para el transporte de objetos de comercio. Esta disposición expresa del Tratado excluye el turismo y otras actividades.

Es irónico recordar que la situación que motiva la presente reunión es una repetición de lo ocurrido hace más de ciento diez años. En aquella ocasión, Costa Rica también pretendía tener derecho de que sus tropas pudieran navegar armadas por el río San Juan. Esta pretensión costarricense de navegación con buques de guerra llevó a crear un clima de gran tensión en las relaciones bilaterales de nuestras naciones. Creíamos que aquella vieja disputa que hoy la actual administración de Costa Rica se plantea nuevamente había sido definitivamente aclarada y solucionada cuando se sometió el diferendo al dictamen arbitral del Presidente Cleveland en 1888.

Es importante destacar que en aquella ocasión los derechos de Nicaragua fueron reafirmados en el Laudo dictado por el Presidente Cleveland. Dicho instrumento aclaró los derechos que Costa Rica tenía en el río San Juan, de conformidad con el Tratado de 1858. Como dijo el Canciller costarricense, el Laudo al respecto dice: "No tiene derecho la República de Costa Rica de navegar en el río San Juan con buques de guerra; pero puede navegar en dicho río con buques de servicio fiscal relacionados y conexionados con el goce de los objetos de comercio que le está acordado… y que sean necesarios para la protección de dicho goce".

La última ocasión en que la situación del río San Juan fue interpretada por un tercero fue en ocasión de los laudos dictados por el ingeniero Alexander dentro del marco de la Convención Matus-Pacheco, por medio de la cual los Gobiernos de Nicaragua y Costa Rica se obligaron a nombrar una comisión con el objeto de trazar y amojonar debidamente la línea divisoria entre las dos Repúblicas. El ingeniero árbitro, señor Alexander, emitió cinco laudos dirigidos a resolver puntos de diferencia que se pudiesen haber suscitado en el trazado y demarcación de la línea divisoria de las dos Repúblicas. En todo momento el ingeniero Alexander reafirmó la plena soberanía de Nicaragua sobre el río San Juan. Por ejemplo, en el Laudo número 3, del 22 de marzo de 1898, se establece que el límite entre Costa Rica y Nicaragua es la margen del río en el estado ordinario de las aguas. En este estado, señala literalmente el Laudo, "toda porción de las aguas del río está en jurisdicción de Nicaragua".

Esto constituye una afirmación de gran valor por cuanto se reafirma, de manera categórica y absoluta, que el río San Juan no es la frontera sino la margen. Es decir, como hemos venido sosteniendo, se trata de una frontera seca, ya que el río pertenece íntegramente a Nicaragua. Por consiguiente, la conclusión más importante sobre este punto es que Nicaragua, como soberana que es sobre las aguas y lecho del río, tiene todo el derecho de imponer medidas de control y reglamentación sobre el río, sean estas de carácter migratorio, sanitario, aduanal, jurisdiccionales, de seguridad o de protección de los recursos y la ecología.

Existe una gran diferencia, para los ciudadanos de cualquier país, entre hacer uso de un derecho soberano de navegar en las aguas nacionales de su patria, que navegar en las aguas jurisdiccionales de otro país en virtud de un derecho de libre tránsito o navegación. En el primer caso, su tránsito estará regulado por las leyes y los reglamentos de su propio país y en el segundo queda sujeto a respetar las leyes y las reglamentaciones del otro país a quien pertenecen las aguas por donde transita.

Lo anterior no puede entenderse de otra forma. Si bien es cierto que Costa Rica tiene derecho a libre navegación con objetos de comercio, los instrumentos que definen los derechos de Nicaragua en el río San Juan, tal como hemos dicho, claramente disponen que el dominio y sumo imperio sobre ese río corresponden exclusivamente a Nicaragua. ¿En qué quedaría ese derecho si las fuerzas de seguridad de Costa Rica pudiesen navegar armadas y en toda libertad por nuestro territorio?

Cuando se dictó el Laudo del Presidente Cleveland, ciertos círculos costarricenses criticaron el hecho de que dicho Laudo prohibiese la navegación por el San Juan con buques de guerra costarricenses. Esto llevó al ilustre estadista costarricense don Ricardo Jiménez Oreamuno a escribir en 1888 lo siguiente: "El énfasis con que el artículo 6° del tratado consigna que Nicaragua tendrá el dominio y sumo imperio sobre las aguas del río manifiesta que se quiso establecer diferencia entre los derechos que Nicaragua y Costa Rica se convenía tuvieran en aquellas aguas".

En efecto, y si los derechos de Nicaragua y Costa Rica fuesen los mismos, entonces, como bien lo expresa don Ricardo Jiménez: "¿Qué efecto práctico tiene la solemne declaración de que el dominio y sumo imperio sobre las aguas corresponde a Nicaragua?... La salvedad se estipuló, que Costa Rica tendría derechos perpetuos de libre navegación con objetos de comercio. Si no aparece en el artículo la salvedad de naves de guerra, la inferencia es lógica; no se creyó que Costa Rica tuviera derecho a ello".

De lo expresado por el ilustre estadista de la República de Costa Rica se desprende algo muy lógico: Nicaragua concedió a Cosa Rica, en virtud del Tratado Jerez-Cañas, un derecho de libre navegación con objetos de comercio, no un derecho irrestricto. Cualquier navegación que Costa Rica efectúe en las aguas del río San Juan que no corresponda a la navegación contemplada expresamente en el Tratado Jerez-Cañas y el Laudo Cleveland vigente en la parte del río establecida en los instrumentos internacionales vigentes, debe ser autorizada expresamente por Nicaragua, como país en el cual recae la soberanía plena sobre las aguas de dicho río, pudiendo entonces establecer todo tipo de regulaciones que en virtud de dicha soberanía requiera establecer.

Nicaragua ha ejercido, ejerce y seguirá ejerciendo, como lo decía el Canciller, todos los atributos de su soberanía, sin menoscabo alguno al derecho de Costa Rica de libre navegación en los términos estipulados en el Tratado Jerez-Cañas y el Laudo Cleveland.

Señor Presidente, señores miembros del Consejo, la navegación hoy pretendida por el Gobierno de la República de Costa Rica es de un tipo no contemplado en los documentos a que he hecho referencia. De hecho, el problema que hoy ha venido a plantearse ante vosotros es un problema que por primera vez se presenta cuando el actual Gobierno de Costa Rica asume el poder en 1998. Anteriormente se habían dado algunas diferencias de criterio sobre si Costa Rica tenía derecho a navegar libremente con buques transportando turistas por la parte del San Juan en que tiene libertad de navegación con objetos de comercio y se había aceptado que el Tratado de 1858 no contemplaba esa posibilidad. Resulta hoy paradójico que, igual que hace ciento diez años lo fue para buques de guerra, el Gobierno de un país que se precia de no tener fuerzas armadas venga a traernos a este foro para pretender que sus oficiales de seguridad puedan circular armados por un río nicaragüense.

Señor Presidente, el derecho y la práctica entre naciones nos ha mostrado que los derechos de navegación o tránsito, que por reciprocidad o por circunstancias especiales de vecindad conceden las naciones en tratados bilaterales o multilaterales con el fin de facilitar el comercio y el tránsito marítimo o fluvial, no conllevan derechos de extraterritorialidad y, por consiguiente, toda nave y su tripulación quedará sometida a la jurisdicción dominante del territorio por el que transite. Lo mismo ocurre con el tránsito terrestre, trenes, buses, vehículos particulares y sus tripulantes, todos quedarán sujetos a las leyes y tribunales de los países por donde transiten, aunque lo hagan al amparo de un derecho de tránsito establecido en algún tratado.

Por lo antes expuesto, mi Gobierno considera que la necesidad de circulación de la fuerza pública costarricense con sus armas de reglamento queda sometida a la jurisdicción interna de la República de Nicaragua. Por ende, la solicitud costarricense carece de fundamento de conformidad con el artículo V del Pacto de Bogotá, que en su parte inicial dice: "Dichos procedimientos no podrán aplicarse a las materias que por su esencia son de la jurisdicción interna del Estado". Sin embargo, en aras de la cooperación que debemos prestarnos las naciones del orbe, particularmente dos países amigos, hermanos y vecinos, mi Gobierno está dispuesto a continuar el diálogo franco y abierto que hasta hoy Nicaragua y Costa Rica hemos mantenido.

Por lo demás, es necesario destacar que este diálogo que hemos venido sosteniendo con Costa Rica no se he limitado a los temas de navegación por el San Juan. Se ha venido discutiendo desde hace algunos años un tema bastante más importante, sin que hasta el momento se haya logrado encontrarle alguna solución. Este tema tan importante para Nicaragua, y no dudamos que también es de gran importancia para la comunidad internacional, es el tema de la enorme contaminación que las bananeras y otras empresas costarricenses han venido haciendo en las aguas del San Juan e incluso en las aguas del Gran Lago de Nicaragua. Francamente resulta irónico que el Gobierno de un país que se precia de la protección que brinda a la naturaleza y que se precia de no tener ejército no tome la más mínima medida para impedir la destrucción de un recurso ecológico tan importante para nuestra tierra, y se preocupe únicamente de tratar de obtener un derecho que no le corresponde, de circular armados en plena libertad por la parte del territorio nicaragüense.

Este tema de la protección del medio ambiente en la zona fronteriza entre Nicaragua y Costa Rica no se está trayendo a discusión para oscurecer algún problema más importante y más apremiante que pueda estar perturbando las relaciones entre nuestras naciones. Por el contrario, creo que en nuestros días sería inexplicable para cualquier ciudadano del mundo el que se diga que un foro de la relevancia del presente se ocupa en determinar si un país puede circular con sus fuerzas armadas por el territorio de otro y no se ocupe del tema de la protección de nuestra tierra.

Por otro lado, el asunto no es nuevo. Desde hace varios años Nicaragua ha venido sosteniendo la necesidad de suscribir algún acuerdo que regule esta materia, ya que el desarrollo industrial y agropecuario en Costa Rica ha venido dañando el sistema ecológico en la zona fronteriza, particularmente en el río San Juan. Precisamente la Organización de los Estados Americanos en 1997 patrocinó la elaboración de un proyecto de Tratado que regulara dicha materia. Este proyecto de Tratado, elaborado por un jurista nicaragüense y otro costarricense, fue sometido a la consideración del Gobierno de Costa Rica desde aquella fecha. Sin embargo, la única acción que el Gobierno de

Costa Rica ha tomado en relación con el río San Juan es la tendiente a hacer valer su pretensión de circular armados por esa parte del territorio nicaragüense.

Si bien la presente exposición es de carácter general, ya que Nicaragua se reserva el derecho a presentar por escrito y de forma más amplia sus observaciones jurídicas a la solicitud formulada por Costa Rica, desde ahora refutamos los fundamentos jurídicos en que Costa Rica sustenta su acción contra Nicaragua, en los siguientes términos:

1. Invoca Costa Rica el Tratado Interamericano de Asistencia Recíproca en respaldo de su solicitud. Este instrumento no tiene la más mínima aplicación en el presente caso, puesto que el diferendo no surge de un acto de agresión de parte de Nicaragua sino de una diferente interpretación de los instrumentos que rigen las relaciones entre ambas naciones.

Sin remontarnos al pasado, basta con leer las más recientes noticias y declaraciones de los funcionarios costarricenses para comprender que no existe situación alguna que pueda poner en peligro la paz entre ambas naciones. Creo que, aparte de algunas declaraciones de autoridades nicaragüenses, especialmente escogidas por Costa Rica y presentadas fuera de contexto y que además datan de muchos meses atrás, no existen noticias en los periódicos que indiquen que haya una situación que ponga en peligro la paz continental. Debo decir en relación con esas declaraciones de personalidades nicaragüenses que también podríamos nosotros venir a este foro citando otras tantas declaraciones de funcionarios costarricenses que pudieran ser consideradas como fuera de tono diplomático. La verdad es que la situación no es de agresión por uno u otro lado de forma que pueda verse en peligro la paz. El Ministro de Seguridad costarricense, don Rogelio Ramos, señaló el 3 de marzo de este año que la situación fronteriza con el río es "absolutamente normal". Agregó: "Lo que tenemos es una disputa sobre un aspecto de la navegación del río San Juan. Nosotros no estamos moviendo policía adicional ahí, los nicaragüenses tampoco, y esperamos que por medio de la OEA podamos resolver el conflicto". Estas declaraciones fueron recogidas por la Agencia EFE y fueron publicadas en el Boletín de Noticias de la OEA el día de anteayer, lunes 6 de los corrientes.

2. También invoca Costa Rica el Tratado Americano de Soluciones Pacíficas en respaldo de su solicitud. En relación con este Tratado, ya hemos adelantado que el diferendo que sepera a ambas partes es uno que, por su propia esencia, es de la jurisdicción del Estado nicaragüense y, por tanto, se escapa a los procedimientos contemplados en el Pacto de Bogotá, de conformidad con el artículo V del mismo. Pretender que lo relativo a la navegación armada por las autoridades de Costa Rica por un río cuyo dominio y sumo imperio le corresponden a Nicaragua no sea un asunto que deba estar sometido a la jurisdicción interna de Nicaragua sería desvirtuar precisamente ese dominio y sumo imperio y reducirlo a un condominio no contemplado por los instrumentos que rigen la materia. Además, el artículo VI del Pacto de Bogotá dice literalmente: "Tampoco podrán aplicarse dichos procedimientos a los asuntos ya resueltos... por laudo arbitral, o por sentencia de un tribunal internacional, o que se hallen regidos por acuerdos o tratados en vigencia en la fecha de la celebración del presente Pacto". El Pacto de Bogotá, como ustedes saben, es de 1948; el Tratado Jerez-Cañas es de 1858, y el Laudo arbitral del Presidente Cleveland es de 1888.

3. En relación con la propia Carta de la OEA y el mandato del Consejo Permanente, me permito señalar lo siguiente. El asunto presentado por Costa Rica es uno a todas luces de interpretación jurídica y no uno que pueda ser resuelto por medio de investigación de los hechos relacionados con la controversia. La situación sobre el terreno es tan clara como lo describe el señor Ministro de Seguridad y Policía de Costa Rica en las palabras antes citadas.

Señor Presidente, Nicaragua reitera su posición y apertura para continuar dialogando y negociando bilateralmente con Costa Rica en torno a los temas que tienen en su agenda bilateral. Si este diálogo bilateral resulta interrumpido por la apertura de algún mecanismo de solución que no sea la negociación, en tal caso Nicaragua solicitaría al Consejo Permanente conozca de la grave destrucción que sufre el río San Juan de Nicaragua por parte de Costa Rica, situación que sí ameritaría una inspección de parte de los peritos, que determinen de dónde provienen los contaminantes y cuál deba ser la solución para el problema.

Señor Presidente, señores miembros del Consejo Permanente, para concluir deseo reiterar a este honorable Consejo el estricto apego de Nicaragua al derecho internacional, y en el presente caso a los instrumentos internacionales que establecen la situación jurídica del río San Juan. Tengan la seguridad de que la República de Nicaragua respeta y respetará los derechos que le otorgó a Costa Rica por medio del Tratado de Límites de 1858 y de que actualmente no existe ninguna agresión exterior ni situación ni acto de hostilidad que justifique la solicitud hecha por Costa Rica en este foro.

Muchas gracias.

El PRESIDENTE: The Chair thanks His Excellency, the distinguished Minister of Foreign Affairs of Nicaragua, for his intervention. The Chair recognizes the distinguished Representative of Colombia.

El REPRESENTANTE PERMANENTE DE COLOMBIA: Muchas gracias, señor Presidente.

Quiero referirme al tema que está sobre la Mesa en estos momentos y sobre el cual han intervenido, con profundidad y con mucha inteligencia, los señores Ministros de Relaciones Exteriores de Costa Rica y de Nicaragua. Considero de la mayor importancia esas intervenciones, porque le dan claridad a este Consejo sobre los hechos que se han sucedido en el río San Juan y que son objeto de esta controversia.

Creo que todos tenemos que abonar la serenidad y el respeto con que se ha tratado el tema por parte de los señores Ministros. Esa es una garantía de cómo finalmente se resolverá este asunto.

En mi condición de coordinador del grupo ALADI, quiero hacer una brevísima intervención luego de haber consultado con los señores Embajadores y Representantes de los países del grupo ALADI en este Consejo Permanente, después de haber conocido la nota enviada por la Misión Permanente de Costa Rica, firmada por el distinguido Embajador Hernán Castro, y de haber estudiado también el comunicado de la República de Nicaragua, y ahora confirmados también por las intervenciones muy claras y muy precisas de los señores Cancilleres. Consideramos que el mejor de los mecanismos para resolver estos hechos y estas controversias es el mantenimiento de un diálogo directo bilateral entre los países, para que, después de hacer un nuevo esfuerzo, ellos puedan presentar una solución apropiada y que podamos nosotros todos verificar que hay ese deseo de arreglar las cosas directamente, sin que sea necesario llegar a adoptar otros procedimientos como los que contiene la Carta de la OEA, entre otros.

Por lo tanto, en nombre de los países del grupo ALADI, hacemos un llamamiento para que se reabra un diálogo directo entre las partes, antes de buscar un mecanismo diferente, y que sea

Annex 230

COSTA RICA, LAW OF CREATION OF THE NATIONAL COASTGUARD SERVICE, LAW NO. 8000, 5 MAY 2000, ARTICLE 2

SOURCE : DIARIO OFICIAL LA GACETA NO. 99, ALCANCE NO. 34
(SAN JOSÉ : IMPRENTA NACIONAL, 24 MAY 2000), P. 1

TRANSLATION

Law of Creation of the National Coastguard Service, Law No. 8000, 5 May 2000

Article 2

"The responsibilities of the [National Coastguard] Service are:

(...)

g) To collaborate with the administrative and judicial authorities in charge of protecting the natural resources, fighting against the illicit traffic of drugs and related activities, as well as against the illegal immigration, the arms traffic and other illicit activities."

Alcance Nº 34 a La Gaceta Nº 99

DIARIO OFICIAL

AÑO CXXII	La Uruca, San José, Costa Rica, miércoles 24 de mayo del 2000	4 Páginas

PODER LEGISLATIVO

LEYES

Nº 8000

CREACIÓN DEL SERVICIO NACIONAL DE GUARDACOSTAS

LA ASAMBLEA LEGISLATIVA
DE LA REPÚBLICA DE COSTA RICA

DECRETA:

CAPÍTULO I

Disposiciones generales

Artículo 1º—**Naturaleza jurídica.** Créase el Servicio Nacional de Guardacostas, en adelante denominado el Servicio. Será un cuerpo policial integrante de la Fuerza Pública, especializado en el resguardo de las aguas territoriales, la plataforma continental, el zócalo insular y los mares adyacentes al Estado costarricense.

Dependerá, directamente, del Ministro de Seguridad Pública y tendrá personalidad jurídica instrumental para administrar el Fondo Especial del Servicio Nacional de Guardacostas.

Artículo 2º—**Competencias.** Son competencias del Servicio:

- **a)** Vigilar y resguardar las fronteras marítimas del Estado y las aguas marítimas jurisdiccionales, definidas en el artículo 6º de la Constitución Política y la Convención de las Naciones Unidas sobre el Derecho del Mar.
- **b)** Vigilar y resguardar las aguas interiores navegables del Estado.
- **c)** Velar por el legítimo aprovechamiento y la protección de los recursos naturales existentes en las aguas marítimas jurisdiccionales y en las aguas interiores del Estado, según la legislación vigente, nacional e internacional.
- **d)** Velar por la seguridad del tráfico portuario y marítimo, tanto de naves nacionales como extranjeras en las aguas jurisdiccionales del Estado.
- **e)** Desarrollar los operativos necesarios para rescatar a personas extraviadas o en situación de peligro en las aguas nacionales y para localizar embarcaciones extraviadas.
- **f)** Velar por el cumplimiento efectivo del ordenamiento jurídico nacional sobre las aguas interiores y las aguas marítimas jurisdiccionales del Estado, en coordinación con las autoridades nacionales competentes.
- **g)** Colaborar con las autoridades administrativas y judiciales encargadas de proteger los recursos naturales, luchar contra el tráfico ilícito de estupefacientes, drogas, sustancias sicotrópicas y actividades conexas, así como contra la migración ilegal, el tráfico de armas y otras actividades ilícitas.
- **h)** Todas las acciones necesarias para el fiel cumplimiento de sus fines legales y reglamentarios.

Artículo 3º—**Equiparación de competencias y facultades.** El personal del Servicio, para desarrollar sus funciones, tendrá en tierra las mismas competencias y facultades policiales que los otros cuerpos definidos en la Ley General de Policía, Nº 7410, del 26 de mayo de 1994.

Cuando este personal tenga que instalar estaciones fijas o móviles en parques nacionales o áreas silvestres protegidas, deberá acatar las disposiciones legales, reglamentarias y administrativas sobre la materia.

CAPÍTULO II

Organización

Artículo 4º—**Estructura.** La estructura del Servicio estará conformada por los siguientes órganos:

- **a)** La Dirección General.
- **b)** El Departamento Administrativo.
- **c)** El Departamento de Operaciones.
- **d)** El Departamento de Asesoría Jurídica.
- **e)** El Departamento Ambiental.
- **f)** La Academia del Servicio Nacional de Guardacostas.
- **g)** Las estaciones de guardacostas que se establezcan de acuerdo con esta ley.

Artículo 5º—**Dirección General.** El Servicio estará a cargo de un Director General, quien será su superior jerárquico y deberá reunir los siguientes requisitos:

- **a)** Grado de licenciatura en una carrera afín al puesto o bien bachillerato otorgado por una academia naval reconocida.
- **b)** Al menos cinco años de experiencia profesional y conocimientos en la rama naval.
- **c)** Ser costarricense.

Artículo 6º—**Funciones de la Dirección General.** La Dirección General del Servicio Nacional de Guardacostas tendrá las siguientes funciones:

- **a)** Dirigir, coordinar, controlar y evaluar las actividades y operaciones del Servicio.
- **b)** Establecer los controles internos necesarios para garantizar la eficiencia del Servicio.
- **c)** Velar por la adecuación de las funciones del Servicio a un marco de apego estricto a la ética y moral de la función pública.
- **d)** Coordinar con el resto de los cuerpos policiales del Estado y las entidades judiciales y administrativas relacionadas con sus competencias, el cumplimiento de las funciones legales y reglamentarias del Servicio.
- **e)** Verificar que toda la información policial recabada por el Servicio sea del conocimiento de la Dirección de Informática del Ministerio de Seguridad Pública.
- **f)** Fiscalizar el cumplimiento de las normas sobre la seguridad del personal, las embarcaciones, los vehículos, la operación y el mantenimiento del equipo y de las estaciones fijas o móviles del Servicio.
- **g)** Remitir semestralmente, al Director General de Armamento, a la Auditoría General y a la Sección de Control y Fiscalización de Activos del Ministerio de Seguridad Pública, el inventario de armas, municiones, explosivos, naves, embarcaciones y demás equipo en poder del Servicio.
- **h)** Presentar al Ministro de Seguridad Pública un informe semestral de labores del Servicio.
- **i)** Otras funciones que resulten de su competencia conforme al ordenamiento jurídico costarricense.
- **j)** Administrar el Fondo Especial del Servicio Nacional de Guardacostas.

Artículo 7º—**Departamento Administrativo.** El Departamento Administrativo del Servicio estará a cargo de un jefe, quien dirigirá toda la gestión administrativa del Servicio y deberá cumplir con los requisitos de ingreso a las fuerzas de policía contenidos en el artículo 49 de la Ley General de Policía, Nº 7410, del 26 de mayo de 1994, así como con las exigencias para el cargo de subdirector de acuerdo con el Reglamento de Organización de los Cuerpos Policiales adscritos al Ministerio de Seguridad Pública.

Este funcionario deberá contar con el grado mínimo de bachiller en Administración Pública, Administración de Empresas o una carrera universitaria afín.

Artículo 8º—**Funciones del Departamento Administrativo.** Serán funciones del Departamento Administrativo:

- **a)** Planear, organizar y dirigir las actividades ordinarias y extraordinarias del Servicio en cuanto a la administración de los recursos humanos, materiales, financieros y de transferencia tecnológica, entre otros, para el desempeño adecuado y racional de las funciones del Servicio.
- **b)** Evaluar, periódica y sistemáticamente, el aprovechamiento de los recursos materiales y humanos, así como las necesidades del Servicio.
- **c)** Rendir ordinariamente un informe trimestral de su labor al Director General y, extraordinariamente, los que él requiera.
- **d)** Formular, en asocio con la Dirección General, los presupuestos ordinarios y extraordinarios del Servicio.
- **e)** Administrar el proceso de adquisición de bienes y servicios, ejecutado por medio de la Proveeduría del Servicio, con apego a las normas vigentes de contratación administrativa.

Artículo 9º—**Departamento de Operaciones.** El Departamento de Operaciones estará sujeto a la dirección de un jefe, quien se encargará de dirigir las acciones concretas del Servicio en cumplimiento de sus fines legales y reglamentarios. Deberá poseer la licencia de capitán de guardacostas, debidamente acreditada ante el Departamento de Transporte Marítimo del Ministerio de Obras Públicas y Transportes y habrá de cumplir los requisitos de ingreso a las fuerzas de policía, contenidos en el artículo 49 de la Ley General de Policía, Nº 7410, del 26 de mayo de 1994, así como las exigencias para el cargo de subdirector según el Reglamento de Organización de los Cuerpos Policiales adscritos al Ministerio de Seguridad Pública.

Artículo 10.—**Funciones del Departamento de Operaciones.** Las funciones del Departamento de Operaciones serán:

- **a)** Establecer un enlace permanente y dinámico entre la Dirección General del Servicio Nacional de Guardacostas y cada una de las estaciones.
- **b)** Evaluar, periódica y sistemáticamente, los controles internos para garantizar la eficiencia y el buen uso de los recursos del Servicio.
- **c)** Velar por la entrega oportuna de los suministros requeridos para el funcionamiento del Servicio.

Annex 231

DECLARATION RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE, UNDER ARTICLE 36, PARAGRAPH 2, OF THE STATUTE OF THE COURT, NICARAGUA RESERVATION, UN REFERENCE C.N.1157.2001.TREATIES-1, 5 DECEMBER 2001

UNITED NATIONS NATIONS UNIES

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Reference: C.N.1157.2001.TREATIES-1 (Depositary Notification)
(Reissued) (English only)

DECLARATION RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE, UNDER ARTICLE 36, PARAGRAPH 2, OF THE STATUTE OF THE COURT

NICARAGUA: RESERVATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 24 October 2001.

.... **The English and French translations of the reservation are transmitted herewith.**

5 December 2001

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned.

Ministry of Foreign Affairs

Managua, 23 October 2001

Sir,

I have the honour to inform you and, through you, all the States parties to the Statute of the International Court of Justice and the Secretariat of the Court, of the reservation made to Nicaragua's voluntary acceptance of the jurisdiction of the International Court of Justice by Presidential Decision No. 335-2001 of 22 October 2001, issued by the President of the Republic, Mr. Arnoldo Alemán Lacayo, the text of which is as follows:

> **"Nicaragua will not accept the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1901."**

Accept, Sir, the assurances of my highest consideration.

(Signed) Francisco X. Aguirre Sacasa

His Excellency
Mr. Kofi A. Annan
Secretary-General of the United Nations
New York

Annex 232

OBJECTION OF 18 DECEMBER 2001, UN DOC. A/56/770, 1 FEBRUARY 2002

United Nations **A/56/770***

General Assembly

Distr.: General
1 February 2002
English
Original: Spanish

Fifty-sixth session
Agenda item 13
Report of the International Court of Justice

Note verbale dated 9 January 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

The Permanent Mission of Costa Rica presents its compliments to the Secretary-General of the United Nations, in his capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, and has the honour to transmit herewith a letter from Mr. Roberto Rojas, Minister for Foreign Affairs and Worship of Costa Rica, whereby the Government of Costa Rica presents a formal objection to the "reservation" formulated by the distinguished Government of Nicaragua to its acceptance of the compulsory jurisdiction of the Court, communicated by its note MRE/DM-/1081/10/01 and transmitted to the Member States by notification C.N.1157.2001.TREATIES-1.

The Permanent Mission of Costa Rica would be grateful if this note and the letter annexed hereto could be transmitted to the secretariat of the International Court of Justice and to the States parties to its Statute, and if they could be issued as a document of the General Assembly under the agenda item relating to the consideration of the report of the International Court of Justice.

The Permanent Mission of Costa Rica takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

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* Reissued for technical reasons.

Annex to the note verbale dated 9 January 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

18 December 2001

I have the honour to write to you in your capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, with reference to note MRE/DM-/1081/10/01, which the Minister for Foreign Affairs of Nicaragua transmitted to you on 24 October 2001.

On 24 September 1929, the Republic of Nicaragua recognized, unconditionally, the compulsory jurisdiction of the Permanent Court of International Justice. That declaration was deemed transferable to the jurisdiction of the International Court of Justice by virtue of Article 36, paragraph 5, of the Statute of the Court. On various occasions, Nicaragua has used this optional declaration to bring proceedings before the International Court of Justice. In the *Military and Paramilitary Activities In and Against Nicaragua* case between Nicaragua and the United States of America, the Court found that this declaration was valid.[1]

The above-mentioned note from the Minister for Foreign Affairs of Nicaragua, dated 24 October 2001, represents a casuistic attempt by the Nicaraguan Government to modify its voluntary declaration of unconditional acceptance of the compulsory jurisdiction of the International Court of Justice as follows:

> "Nicaragua will not accept [as from 1 November 2001] the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1901".

The Government of Costa Rica considers that this purported "reservation" is not permissible for the following reasons: (a) public international law does not recognize the right to formulate reservations *a posteriori* to unconditional declarations of acceptance of the jurisdiction of the International Court of Justice; (b) Nicaragua is unable to formulate this "reservation" by virtue of its unilateral declarations before the same Court with respect to the nature of its acceptance of compulsory jurisdiction and the possibility of modifying it; (c) even if this reservation were permissible, which it is not, the lack of a reasonable time period for its entry into force renders such a "reservation" contrary to the principle of good faith in international relations. In addition, it is worth noting that the foregoing is supported by the provision of the Vienna Convention on the Law of Treaties contained in article 2, paragraph 1 (d), on the meaning of a reservation. Moreover, the provision contained in article 20, paragraph 3, of that Convention should also be borne in mind with respect to the formulation of a reservation to a treaty which is a constituent instrument of an international organization.

I must point out that the note to which my Government objects was not transmitted spontaneously. Rather, it represents a reaction to the fact that my Government has included an item in the national budget to cover the cost of the possible filing of a claim by Costa Rica against Nicaragua before the International Court of Justice for its failure to abide by the provisions agreed upon by both countries in the Cañas-Jerez Treaty of 1858 and the Cleveland Award of 1888. Both instruments were signed and ratified during the period which Nicaragua now seeks to exclude from the Court's jurisdiction by means of the above-mentioned reservation. However, in its haste, it has overlooked the fact that, on 21 February 1949, the Government of Nicaragua signed a Pact of Amity with Costa Rica. Article III of that instrument reflects the commitment to apply the American Treaty on Pacific Settlement. Nicaragua has also failed to consider that, on 9 January 1956, as a corollary to the 1949 Pact of Amity, Nicaragua and Costa Rica signed, at the Pan American Union in Washington, an agreement to facilitate and expedite traffic on the San Juan River within the terms of the Treaty of 15 April 1858 and its interpretation given by arbitration on 22 March 1888. Both instruments were ratified in due course by both countries. The purported reservation also fails to include the judgement pronounced on 20 September 1916 by the Central American Court of Justice. The 1916 judgement of the Central American Court of Justice, the 1949 Pact of Amity and the 1956 agreement reinforce a set of legal rules which must be respected.

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[1] *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, I.C.J. Reports 1984*, p. 441, para. 110.

1. International law does not give Nicaragua the right to formulate reservations *a posteriori* to its unconditional declaration of acceptance of the jurisdiction of the International Court of Justice

In the judgement on the jurisdiction of the International Court of Justice pronounced in the *Military and Paramilitary Activities In and Against Nicaragua* case, the Court indicated that States could not modify their acceptance of the Court's compulsory jurisdiction as they pleased, but were bound by the terms of their declarations.[2]

The Court noted, in particular, that the right to terminate declarations with indefinite duration was far from established in international law.[3]

Nicaragua itself has recognized that contemporary international law does not give States the power to modify unilaterally their optional declarations of acceptance of the compulsory jurisdiction of the International Court of Justice when such declarations are unconditional.

In its written pleadings in the *Border and Transborder Armed Actions* case between Nicaragua and Honduras, Nicaragua stated categorically that a State bound by an optional declaration could not modify or denounce that declaration.[4] Nicaragua claimed that the declaring State was bound by the terms of the optional declaration and that, by virtue of the principle of good faith, it could not seek to disengage unilaterally from the obligations it had acquired in making that declaration.[5]

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[2] Ibid., p. 418, para. 59.

[3] Ibid., p. 420, para. 63: "But the right of immediate termination of declarations with indefinite duration is far from established (...)".

[4] *Counter-memorial of Nicaragua (Jurisdiction and Admissibility), I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras)*, vol. I, p. 297, para. 54.

[5] Ibid., p. 298, para. 59.

Nicaragua argued that that rule arose from an analogous application of the customary principles of the law of treaties. Nicaragua indicated that the principles incorporated into the Vienna Convention on the Law of Treaties were applicable to voluntary declarations of acceptance of the Court's jurisdiction in respect of denunciation and reservation, meaning that such declarations could not be modified unless the declaring State had previously reserved that right.[6] Lastly, Nicaragua maintained that State practice showed that a State could modify an optional declaration only when it reserved the right to do so at the time it made the original declaration.[7]

In its written pleadings in the jurisdictional phase of the *Military and Paramilitary Activities* case, Nicaragua argued that the legality of a purported modification depended on the intention of the declaring State at the time of making the original optional declaration. If the declaring State did not expressly reserve the right to make modifications, that State did not have the power to change its declaration or to formulate reservations.[8]

Insofar as the declaration of acceptance of the compulsory jurisdiction of the International Court of Justice made by Nicaragua in 1929 does not include any conditions or time limits, nor does it expressly reserve the right to modify its content, Nicaragua has no right to formulate reservations to its acceptance of the Court's compulsory jurisdiction.

2. Nicaragua, by virtue of its public unilateral declarations before the Court with respect to the nature of its optional declaration and the possibility of modifying it, cannot formulate any reservations

In a number of unilateral declarations, Nicaragua has recognized that its own declaration of acceptance of the Court's compulsory jurisdiction cannot be modified in any way.

In its written pleadings in the *Military and Paramilitary Activities* case, Nicaragua pointed out that its 1924 declaration could not be terminated or modified without prior notice and that any withdrawal or modification of the declaration must be based on the principles of the law of treaties.[9] What is more, Nicaragua indicated categorically that the assumption that its declaration could be modified without prior notice was unfounded in the law relating to consensual legal obligations arising from optional declarations.[10] In the same case, Nicaragua argued against the possibility of unilaterally modifying declarations of acceptance of the Court's compulsory jurisdiction. Nicaragua based its arguments both on the writings of the most distinguished legal experts[11] and on considerations of principle. Nicaragua noted that the existence of a universal right of unilateral modification of optional declarations would violate the system of optional clauses in the Statute and would essentially eliminate the compulsory nature of the Court's jurisdiction.[12]

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[6] Ibid., p. 304, para. 82.

[7] Ibid., p. 303, paras. 78 and 79.

[8] *Memorial of Nicaragua (Questions of Jurisdiction and Admissibility), I.C.J. Pleadings, Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, vol. I, p. 393, para. 122.

[9] Ibid., p. 398, para. 142.

[10] Ibid., p. 397, para. 140.

[11] Ibid., pp. 394 and 396-397, paras. 127, 130 and 137.

These arguments demonstrate both Nicaragua's intention that its 1929 declaration of acceptance of the Court's compulsory jurisdiction should not be subject to any modification or denunciation and its repeated contention that the unilateral modification of such declarations, in the absence of a previous reservation, is contrary to international law. This acknowledgement of the legal situation is binding on Nicaragua. Under the principles of estoppel and good faith, Nicaragua cannot, at this time, reverse those positions.

Accordingly, Costa Rica considers that Nicaragua cannot now claim to modify unilaterally its unconditional acceptance of the voluntary jurisdiction of the Court by means of a purported "reservation".

Even if Nicaragua had the right to formulate a reservation to its optional declaration, which it does not, the lack of a reasonable time period for its entry into force renders such a "reservation" null and void

In the *Military and Paramilitary Activities* case, the International Court of Justice indicated that, while the right to denounce declarations without limit of time was far from established in international law, if such a right existed, then any denunciation would, by analogy with the law of treaties, have to provide for a reasonable time period before it entered into force.[13] This principle applies, by analogy, to the introduction of changes to the voluntary acceptance of the Court's compulsory jurisdiction. Consequently, even if Nicaragua could modify its optional declaration by means of a reservation, which is not the case, then such a modification would have to be subject to a reasonable time period, by virtue of the principle of good faith.

It should be noted that, in the *Border and Transborder Armed Actions* case, Nicaragua argued that only a period of at least 12 months could be considered reasonable for any modification of a declaration of voluntary acceptance of the Court's jurisdiction.[14]

Nicaragua's purported "reservation", which my Government has analysed in this note, provides for a period of only eight days from the time of its signature by the President of Nicaragua to the time of its purported entry into force. Even if Nicaragua were legally in a position to modify its acceptance of the Court's compulsory jurisdiction, which it is not, a period of eight days would not meet the requirement of a reasonable time period 'for the entry into force of such a modification.

What is more, Nicaragua, by virtue of its declarations in the *Border and Transborder Armed Actions* case, would be obligated, under the principles of good faith and estoppel, to provide for a period of at least 12 months before the purported

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Ibid., pp. 394-395, para. 131.

Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, I.C.J. Reports 1984, p. 420, para. 63: "... observed that from 6 to 9 April would not amount to a 'reasonable time' ".

Counter-memorial of Nicaragua (Jurisdiction and Admissibility), I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras), vol. I, pp. 304 and 307-308, paras. 82, 83 and 96.

"reservation" could enter into force. Accordingly, the purported "reservation" formulated on 24 October 2001 cannot be considered to meet the minimum requirements imposed by the principle of good faith.

Jurisdiction of the Court and the Pact of Bogotá

Moreover, in the case of Nicaragua, as in the case of any other Latin American State party to the Pact of Bogotá, the denunciation of the Statute of the Court would not disengage it from the obligation to recognize the competence of that Court as a respondent, for the following reason:

In April 1948, the American Treaty on Pacific Settlement, better known as the Pact of Bogotá, was adopted. Costa Rica ratified it on 27 April 1949, and Nicaragua, in turn, ratified it on 26 July 1950. Accordingly, the Pact of Bogotá has been in force between Costa Rica and Nicaragua as from the latter date.

The Pact contains a definitive declaration of recognition of the compulsory jurisdiction of the Court for all disputes of a juridical nature among the States parties to the Pact. Article XXXI of the Pact says:

> "In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them ...".

Therefore, since both Costa Rica and Nicaragua are ratifying parties to the Pact of Bogotá, there can be no doubt that both parties have recognized the compulsory jurisdiction of the International Court of Justice to settle any legal dispute between them.

The above-mentioned article XXXI has the legal effect of transforming the vague juridical relations arising from unilateral declarations made by the parties under the optional clause into *contractual relations which have the force and stability characteristic of an obligation arising directly from a treaty.*

Eduardo Jiménez de Aréchega, a distinguished Uruguayan jurist who had the honour to serve as President of the International Court of Justice, maintained that there were substantial differences between the exercise of the optional clause and the fact of being a party to a convention. In an opinion which he provided to Costa Rica in his capacity as adviser to our country in the 1986 *Nicaragua v. Costa Rica* case, he gave the following explanation:

> "The fundamental difference between the recognition of the Court's jurisdiction expressed by the parties to the Pact of Bogotá and that expressed by other States under the optional clause is as follows: (a) once the Pact of Bogotá has been ratified by an American State, the recognition of the Court's jurisdiction may be withdrawn only by denunciation of the Pact itself, which must be effected with at least one year's notice; and (b) the States which ratified the Pact could have introduced reservations to their recognition of the Court's jurisdiction if they had done so at the time of signature. As they did not do so with respect to the recognition of the compulsory jurisdiction of the

Court, *article XXXI became a mechanism for accepting fully the Court's jurisdiction, and is completely different in this regard from the very conditional acceptance which the majority of States have expressed through the application of the optional clause.*

"From these substantial differences, it follows that the American States parties to the Pact of Bogotá *have established a legal system among themselves whereby the optional clause has been replaced by the categorical declaration contained in article XXXI of the Pact.* The declarations made by American States in exercise of their prerogative under Article 36, paragraph 2, of the Statute of the Court only have the legal effect of establishing the tenuous relations under that clause exclusively with States *which are not Contracting Parties to the Pact of Bogotá*, but not the contractual obligation created by article XXXI to recognize, with the force of a treaty, the obligation to grant the American States parties to the Pact of Bogotá the right to bring claims against other American States before the Court at The Hague".

Consequently, even if Nicaragua's Presidential Decree revoking the unilateral declaration of 1929 in which Nicaragua recognized the jurisdiction of the Court at The Hague to settle legal disputes with any other State having expressed the same recognition were valid, which it is not, *that nation would still be bound to recognize the competence of the Court at The Hague to settle legal disputes with any other Latin American State party to the Pact of Bogotá.*

In light of the above, so long as the Pact of Bogotá is in force, Nicaragua cannot deny the competence of the International Court of Justice to hear and settle any legal dispute brought before it by Costa Rica.

For all the foregoing reasons, the Government of Costa Rica hereby presents a formal objection to the "reservation" formulated by the Government of Nicaragua, and declares that, for all intents and purposes, it will consider such reservation to be non-existent.

I should be grateful if you would transmit this document to the secretariat of the International Court of Justice and to the States parties to its Statute. Likewise, I should be grateful if you would have it circulated as a document of the General Assembly under the agenda item relating to the consideration of the report of the International Court of Justice.

(*Signed*) Roberto Rojas
Minister for Foreign Affairs and Worship of Costa Rica

Annex 233

NICARAGUAN FOREIGN MINISTER, NORMAN CALDERA CARDENAL, TO NICARAGUAN MINISTER OF GOVERNANCE, ARTURO HARDING, NOTE NO. MRE/DM-JI/0680/05/2, 27 MAY 2002

TRANSLATION

(seal)
Republic of Nicaragua
Central America

The Minister of Foreign Affairs

Managua, 27 May 2002
MRE/DM-JI/0680/05/2

Engineer
Arturo Harding
Minister of Governance
His Office

Dear Minister:

I have the honour of addressing you on the matter of the additional fee that the General Directorate of Migration began to charge on Sundays and public holidays at the border posts located on the San Juan River as of 22 March of the current year.

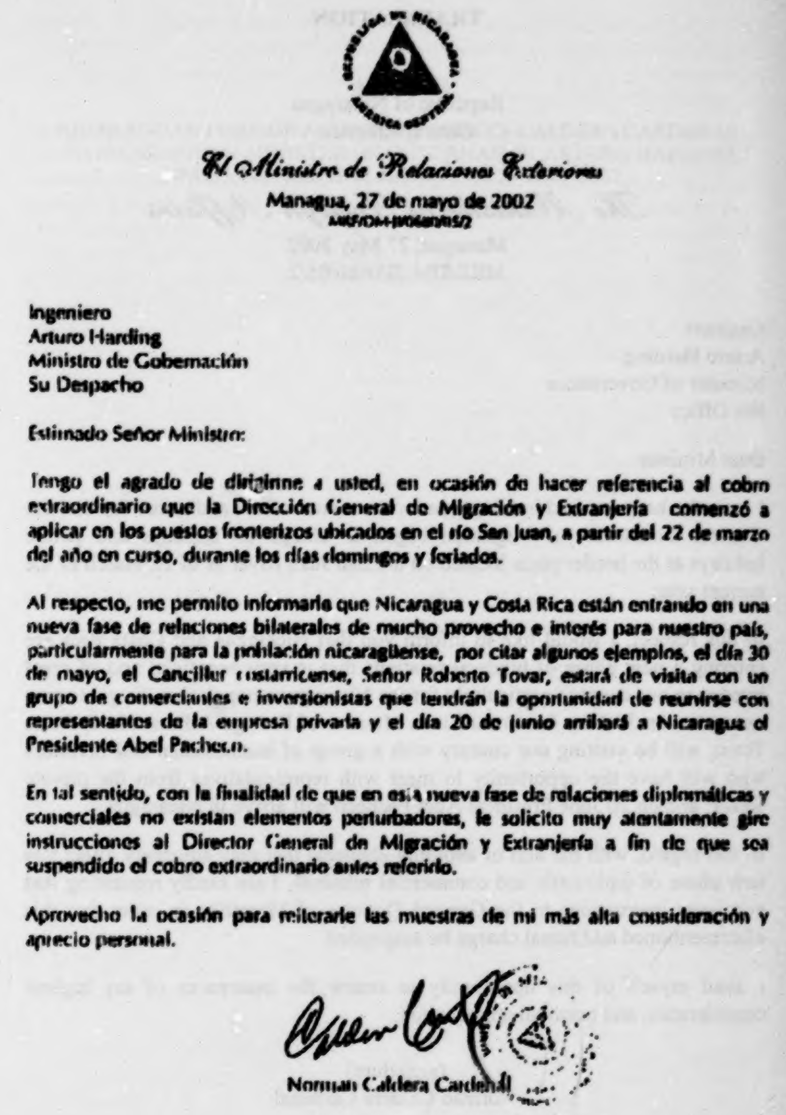
In this respect, I would like to inform you that Nicaragua and Costa Rica are entering a new phase of bilateral relations that is very beneficial and of great interest to our country, particularly for the Nicaraguan population. To give some examples, on 30 May the Costa Rican Minister of Foreign Affairs, Mr. Roberto Tovar, will be visiting our country with a group of businessmen and investors who will have the opportunity to meet with representatives from the private sector; and on 20 June President Abel Pacheco will arrive in Nicaragua.

In this regard, with the aim of avoiding elements that may adversely affect this new phase of diplomatic and commercial relations, I am kindly requesting that you issue instructions to the General Director of Migration in order that this aforementioned additional charge be suspended.

I avail myself of this opportunity to renew the assurances of my highest consideration and personal appreciation.

(signature)
Norman Caldera Cardenal

(seal)
Ministry of Foreign Affairs
Managua
Republic of Nicaragua
Central America



El Ministro de Relaciones Exteriores
Managua, 27 de mayo de 2002
[illegible]

Ingeniero
Arturo Harding
Ministro de Gobernación
Su Despacho

Estimado Señor Ministro:

Tengo el agrado de dirigirme a usted, en ocasión de hacer referencia al cobro extraordinario que la Dirección General de Migración y Extranjería comenzó a aplicar en los puestos fronterizos ubicados en el río San Juan, a partir del 22 de marzo del año en curso, durante los días domingos y feriados.

Al respecto, me permito informarle que Nicaragua y Costa Rica están entrando en una nueva fase de relaciones bilaterales de mucho provecho e interés para nuestro país, particularmente para la población nicaragüense, por citar algunos ejemplos, el día 30 de mayo, el Canciller costarricense, Señor Roberto Tovar, estará de visita con un grupo de comerciantes e inversionistas que tendrán la oportunidad de reunirse con representantes de la empresa privada y el día 20 de junio arribará a Nicaragua el Presidente Abel Pacheco.

En tal sentido, con la finalidad de que en esta nueva fase de relaciones diplomáticas y comerciales no existan elementos perturbadores, le solicito muy atentamente gire instrucciones al Director General de Migración y Extranjería a fin de que sea suspendido el cobro extraordinario antes referido.

Aprovecho la ocasión para reiterarle las muestras de mi más alta consideración y aprecio personal.

Norman Caldera Cardenal

Annex 234

COSTA RICA, REGULATIONS FOR THE ORGANIZATION OF THE MINISTRY OF PUBLIC SECURITY, DECREE 32177-SP,
1 DECEMBER 2004, ARTICLES 52, 54
SOURCE: DIARIO OFICIAL LA GACETA NO. 6, ALCANCE NO. 1
(SAN JOSÉ: IMPRENTA NACIONAL, 10 JANUARY 2005), PP. 7, 8 AND 9

TRANSLATION

Regulations for the Organization of the Ministry of Public Security, Decree 32177-SP, 1 December 2004

"Article 52:

The Civil Guard, the Rural Assistance Guard, the Police in charge of the control of non-authorized drugs and connected activities, and the Border Police will depend on the Ministry of Public Security, in accordance with what is stipulated in article 6 of the General Law of Police number 7410 and its reforms, as well as with what is stipulated in Law N° 8000 that creates the National Coastguard Service, and in the Executive Decree N° 23427 MP. The Public Reserve Force will also be ascribed when it is summoned on a temporary basis.

(...)

Article 54:

The Rural Assistance Guard, the Civil Guard, and the Border Police, as components of the Public Force of this Ministry, will act under one single police command, in each region within the national territory that is determined by the Ministry in accordance with the competences and responsibilities that are granted to them in the General Law of Police and its reforms."

[1034]

Alcance Nº 1 a La Gaceta Nº 6
DIARIO OFICIAL

AÑO CXXVII | La Uruca, San José, Costa Rica, lunes 10 de enero del 2005 | 20 Páginas

PODER EJECUTIVO

DECRETOS

Nº 32177-SP

EL PRESIDENTE DE LA REPÚBLICA
Y EL MINISTRO DE SEGURIDAD PÚBLICA

Con fundamento en los incisos 3) y 18) del artículo 140 de la Constitución Política, la Ley General de Policía Nº 7410 y sus reformas, el Decreto Ejecutivo Nº 23427-MP del 27 de junio de 1994.

Considerando que:

1°—El artículo primero de la Constitución Política establece la organización política de nuestro país como una República democrática, libre e independiente, siendo que el quehacer estatal de este tipo de organización se enfoca, esencialmente, a la realización plena de la población que está bajo su tutela y, en consecuencia, las estrategias y acciones que los gobernantes desarrollen, se orientarán hacia este objetivo.

2°—Parte esencial del desarrollo del individuo es ejercer sus libertades y derechos individuales y sociales sin perturbación o con el menor riesgo posible, siendo que esta garantía es deber ineludible del Estado, quien implementará los mecanismos correspondientes y oportunos para ello, en procura de la paz social de su territorio.

3°—Al Ministerio de Seguridad Pública le corresponde vigilar, conservar el orden público, prevenir las manifestaciones de delincuencia y cooperar para reprimirlas, preservar y mantener la soberanía nacional, así como coadyuvar en el fortalecimiento del principio de legalidad, de conformidad con la Ley General de Policía, Nº 7410, su reforma y la Ley Orgánica, Nº 5482, del 24 de diciembre de 1973.

4°—Para la realización de sus funciones, la Ley Orgánica supra faculta al Ministerio a tener los cuerpos de policía, direcciones, departamentos y secciones que requiera.

5°—Para el cumplimiento de los objetivos encomendados a este Ministerio, las fuerzas de policía señaladas en el artículo 6° de la Ley General de Policía, adscritas a esta Cartera son: la Guardia Civil, la Guardia de Asistencia Rural, la Policía Encargada del Control de Drogas no Autorizadas y de Actividades Conexas, la Policía de Fronteras y la Reserva de las Fuerzas de Policía cuando sea convocada con carácter temporal, de acuerdo con el Decreto Ejecutivo Nº 23427-MP del 27 de junio, 1994, según se estipuló en el artículo 1°, inciso a).

6°—La conservación del orden público, la prevención de las manifestaciones de delincuencia o la cooperación para reprimirlas, el fortalecimiento del principio de legalidad y la preservación de la soberanía nacional, son objetivos que obligan a este Ministerio a contar con la organización adecuada y capaz de visualizar, estratégicamente, el contexto geopolítico del país, las características y condiciones geográficas del territorio, así como de sus habitantes y las particularidades de la población migrante de países vecinos.

7°—Particularmente, este Ministerio requiere de estructuras orgánicas modernas y de personal formado, con capacidad de analizar cualitativa y cuantitativamente la delincuencia nacional e internacional; así como valorar el riesgo e implicaciones de las eventuales catástrofes naturales en la seguridad de los habitantes y sus bienes.

8°—El Ministerio de Seguridad Pública, con la finalidad de cumplir adecuadamente los objetivos designados, ha conformado los principios de la Doctrina de Seguridad, fundamentada en una visión sistémica e integral del fenómeno de la seguridad del Estado y de la seguridad ciudadana. Estos principios se resumen en:

a) El fortalecimiento del desarrollo de los habitantes de la Nación, en un marco de seguridad, respetando, promoviendo y participando de las tradiciones costarricenses, de su conciencia democrática, pacifista, humanista y civilista, teniendo presente siempre el carácter de servicio público de cada acción policial.

b) La consideración del fenómeno de seguridad ciudadana, dentro de una visión sistémica, multidisciplinaria e integral. Para ello se tendrá siempre presente el sentido de coordinación a lo interno y con las demás instancias, públicas y privadas, involucradas en esta materia.

c) La aplicación de estrategias de seguridad basadas en la proximidad de la policía con los habitantes de su comunidad, que implica una simbiosis con la población que da sustento a la política de seguridad comunitaria.

d) La configuración del modelo de proximidad policial basado en los siguientes aspectos: máxima descentralización, alta especialización, oposición a la estanqueidad, subsidiariedad, total asimetría, óptima adaptación a la demanda, proximidad al ciudadano, adaptabilidad y ausencia de rigidez. Estos elementos procurarán optimizar la actividad policial brindando acercamiento a la comunidad, territorialización de la actividad, mayor versatilidad en la recepción de denuncias, la articulación de las funciones y en el conocimiento de la realidad, efectividad en la individualización de la responsabilidad y en el análisis y evaluación permanente, simplificación de la burocracia y reducción de la actividad estática.

e) La necesidad de modelos de estructuración orgánica flexible basados en la descentralización de la Fuerza Pública, con capacidad para adaptarse a las variaciones de los fenómenos, internos y externos, que inciden en el desarrollo del país y en la seguridad ciudadana.

f) La concepción de la prevención entendida como la adopción de políticas tendientes a impedir la comisión de delitos o la aparición de la delincuencia, tomando las acciones necesarias para la elaboración de estrategias que disminuyan el delito y el sentimiento de inseguridad.

g) La organización, estructuración, composición, aprovechamiento, equipamiento y planeamiento del trabajo de la Fuerza Pública y órganos de apoyo adscritos a este Ministerio, dispuestos de manera que respondan a necesidades objetivas, científicamente detectadas, contemplando los principios doctrinarios y políticas esbozadas, evitando decisiones basadas en conceptos errados o sin base científica.

h) En la profesionalización de la policía con base en esquemas que consideren el recurso humano como el elemento más importante para desarrollar las estrategias de seguridad, elegido bajo un perfil de policía que se ajuste a las tradiciones pacifistas, humanistas y civilistas del ser costarricense y formado bajo los principios y políticas doctrinarias planteados.

i) La actuación de los órganos de apoyo desarrollada con la finalidad de facilitar la labor operativa que cumple el Ministerio, esencia de su existencia.

j) La materia de seguridad requiere que los funcionarios policiales se especialicen en actividades específicas, con la finalidad de dar respuesta integral a la seguridad de los habitantes, lo que obliga a establecer la regulación adecuada para delimitar sus áreas de competencia.

9°—El constante crecimiento, desarrollo y modernización del Ministerio, exige un mayor y mejor control de las operaciones y procedimientos administrativos y operativos que se efectúan, así como una mayor eficiencia y eficacia en el empleo de los recursos en las dependencias que lo conforman.

10.—Esta necesidad de modernización requiere el reordenamiento de la estructura organizativa de este Ministerio, comprendiendo todas las áreas del quehacer institucional, labor que no ha sido realizada en muchos años, a nivel estructural, sino con la promulgación de iniciativas reglamentarias independientes y sin una visión integral.

11.—La realidad social, económica, política y cultural del país presenta características distintas al contexto vivido en años anteriores, circunstancia que impulsa al replanteamiento, entre otros, de las estructuras orgánicas de las instituciones del Estado, para adecuarlas a los nuevos requerimientos. En este sentido, la labor de la policía debe conceptuarse de manera integral y sistémica, lejos de la percepción tradicional que observa el trabajo policial desde una visión ejecutiva, obviando aspectos lógicos del servicio público de seguridad, como por ejemplo lo son las tareas de inteligencia y planeamiento estratégico. Esta apertura es necesaria en aras de cumplir, de manera eficaz, con los objetivos que a esta Cartera le han sido confiados.

12—El Ministerio de Planificación Nacional de Política Económica mediante oficio DM847-04 aprobó la Estructura Organizacional del Ministerio de Seguridad Pública, de acuerdo con lo que establece el Decreto Nº 23233-PLAN. **Por tanto,**

DECRETAN:

Reglamento de Organización del Ministerio de Seguridad Pública

TÍTULO I

Organización de las dependencias administrativas

CAPÍTULO I

Despacho del Ministro

Artículo 1°—El Ministro es el órgano jerárquico superior de esta Cartera y le corresponderán, conjuntamente con el Presidente de la República, las siguientes funciones:

2) Determinar y recomendar a la Comisión de Informática el equipo y programas informáticos necesarios para este Ministerio.
3) Definir y aplicar procedimientos para el mejor aprovechamiento de los recursos informáticos.
4) Elaborar y actualizar manuales técnicos de los diversos sistemas en operación.
5) Coordinar y ejecutar actividades de capacitación en el Área de la Informática para el personal del Ministerio.
6) Analizar los avances tecnológicos en Informática y su viabilidad y la eventual aplicación en el Ministerio.
7) Administrar y dar mantenimiento a la red de transmisión de datos del Ministerio.
8) Coordinar la obtención de información sistematizada de otros entes, que resulte de interés para este Ministerio.
9) Recomendar y ejecutar las políticas de protección y seguridad de la información digital institucional.
10) Brindar criterio técnico sobre los dispositivos físicos y lógicos o programas de cómputo que requiera este Ministerio.
11) Atender cualquier otra propia de su competencia.

Artículo 46.—La Dirección de Informática estará conformada por los siguientes departamentos:

1) Sistemas.
2) Telemática.
3) Soporte Técnico.

Artículo 47.—El Departamento de Sistemas tendrá las siguientes funciones:

1) Planear, controlar y ejecutar los diferentes proyectos orientados a la automatización de los procesos técnicos y administrativos, así como el mejoramiento de los ya existentes.
2) Supervisar el implemento y el manejo de programas informáticos, brindando asesoría, capacitación y apoyo técnico al personal de este Ministerio.
3) Atender cualquier otra propia de su competencia.

Artículo 48.—El Departamento de Telemática tendrá las siguientes funciones:

1) Instalar los diferentes equipos que conforman la red de transmisión de datos, tanto lo correspondiente a la fuente de energía, como a los programas que éstos necesitan para su operación.
2) Fijar los estándares de protocolo de comunicación.
3) Velar por el eficiente y adecuado funcionamiento de la red de transmisión de datos y los servidores de bases de datos.
4) Atender cualquier otra propia de su competencia.

Artículo 49.—El Departamento de Soporte Técnico tendrá las siguientes funciones:

1) Atender y solucionar problemas técnicos derivados de la operación de equipos y programas.
2) Coordinar con la Dirección de Sanidad, en materia de competencia, la solución de problemas que afecten o puedan afectar la integridad de los usuarios en materia de su competencia.
3) Brindar mantenimiento preventivo y correctivo a los dispositivos físicos y lógicos cuando estos no cuenten con garantía, ésta haya caducado o que no exista contrato, con alguna empresa externa al Ministerio que realice el servicio.
4) Atender cualquier otra propia de su competencia.

SECCIÓN IX

Departamento de Sanidad

Artículo 50.—El Departamento de Sanidad tendrá las siguientes funciones:

1) Brindar atención médica integral a los funcionarios del Ministerio y sus familiares directos.
2) Participar en los operativos que lleve a cabo la Fuerza Pública.
3) Realizar las investigaciones ambientales del entorno laboral, relacionadas con las diferentes disciplinas integrantes del Área de Salud.
4) Detectar factores biosicosociales que generan riesgo para la salud de los funcionarios y la integridad y recomendar las medidas correctivas.
5) Asesorar a los niveles gerenciales para la toma de decisiones relacionadas con la salud en materia de contratación, reubicación y traslado de personal, así como el rediseño de funciones o puestos.
6) Promover convenios y asesoramiento con instituciones públicas y privadas afines, para capacitar en materia de Sanidad a los funcionarios de este Departamento y del Ministerio.
7) Capacitar y asesorar a los funcionarios en aspectos relacionados con la salud, para mejorar su calidad de vida.
8) Emitir y velar porque se cumplan los lineamientos en materia de nutrición de los funcionarios policiales, en concordancia con la normativa vigente.
9) Promover el desarrollo sociolaboral de los funcionarios.
10) Cualquier otra propia de su competencia.

SECCIÓN X

Departamento Disciplinario Legal

Artículo 51.—El Departamento Disciplinario Legal además de las funciones contempladas en el Decreto Ejecutivo 28856-SP tendrá las siguientes funciones:

1) Fungir como Órgano Director de procedimientos disciplinarios administrativos ordenados y abiertos en contra de los funcionarios del Ministerio y emitir la resolución de recomendación, con autonomía de criterio, ante el órgano competente de decisión.
2) Recomendar al Ministro el inicio o no de gestión de despido ante la Dirección General de Servicio Civil, por faltas graves, en el caso de funcionarios amparados a este Régimen.
3) Preparar la información correspondiente y elaborar la acción que firmará el Ministro en las gestiones de despido que se tramitan ante la Dirección General del Servicio Civil.
4) Dar seguimiento y elaborar los escritos que suscribirá el Ministro en las gestiones de despido que se tramitan ante la Dirección General del Servicio Civil y remitir la disposición final a la Dirección de Recursos Humanos, para lo de su cargo.
5) Participar con el Consejo de Personal en la disposición de asuntos disciplinarios.
6) Recomendar la suspensión provisional con goce de salario de los servidores del Ministerio, previo a la apertura de la causa administrativa y como medida cautelar, de conformidad con lo estipulado en la normativa vigente.
7) Coordinar con la Dirección de Recursos Humanos, la suspensión sin goce de salario de los servidores del Ministerio, cuando se dicte en su contra una medida cautelar y el despido cuando hayan sido condenados penalmente.
8) Recomendar la procedencia de la reubicación temporal del funcionario(a) que denuncie hostigamiento sexual y en caso que tal gestión prospere y así se disponga por parte del órgano competente, coordinar con la Dirección de Recursos Humanos, la ejecución de dicha reubicación.
9) Coordinar con la Dirección de Recursos Humanos la suspensión sin goce de salario de los servidores con grado profesional, cuando hayan sido suspendidos de sus respectivos colegios profesionales.
10) Recomendar o no la procedencia de una causa administrativa disciplinaria, en asuntos de daño o pérdida de bienes y/o derechos del Estado, posterior a las diligencias administrativas de reparación o reposición que corresponda.
11) Disponer el archivo interno de asuntos que no ameriten apertura de causa administrativa, previa resolución emitida en ese sentido por el órgano competente, que no representan interés actual para la Administración o no constituyan pérdida económica para el Estado.
12) Ordenar las diligencias correspondientes para la investigación de asuntos por presuntas faltas disciplinarias de los funcionarios del Ministerio.
13) Remitir al Ministerio Público, previa aprobación del Ministro, los trámites administrativos correspondientes, cuando de los procesos disciplinarios se evidencie la posible comisión de un delito por parte de un servidor del Ministerio.
14) Tramitar los recursos de revocatoria que suscribirá el órgano decisorio competente y los recursos de amparo que se interpongan contra los mismos o contra cualquiera de los Órganos, por razones de procedimientos disciplinarios. Entratándose de recursos de amparo, redactar el proyecto de contestación o de informe, según el trate.
15) Notificar al Patronato Nacional de la Infancia las causas administrativas en donde se involucre a una persona menor de edad.
16) Tramitar las solicitudes y brindar información en materia disciplinaria que planteen instituciones vinculadas al ámbito jurídico o cualquier otra instancia o particular legitimado que la requiera.
17) Tramitar los asuntos disciplinarios relacionados con daños a los vehículos asignados al Ministerio.
18) Instruir las causas disciplinarias instauradas en contra de los servidores del Ministerio, por infracciones a las disposiciones legales sobre materia de tránsito o vehicular.
19) Preparar los proyectos de resolución, interlocutorias y finales, así como los informes que soliciten a la Dirección General Administrativa Financiera, por las causas administrativas disciplinarias a su cargo.
20) Cualquier otra propia de su competencia.

TÍTULO II

Organización de los cuerpos policiales y órganos de apoyo de carácter policial adscritos al Ministerio

CAPÍTULO I

Disposiciones generales de este título

Artículo 52.—La Guardia Civil, la Guardia de Asistencia Rural, la Policía Encargada del Control de Drogas no Autorizadas y Actividades Conexas y la Policía de Fronteras dependerán del Ministerio de Seguridad Pública, en concordancia con lo estipulado en artículo 6 de la Ley General de Policía Nº 7410 y sus reformas, asimismo con lo dispuesto en la Ley Nº 8000 que crea el Servicio Nacional de Guardacostas y el Decreto Ejecutivo Nº 23427 MP. También estará adscrita la Reserva de la Fuerza Pública, cuando sea convocada con carácter temporal.

Artículo 53.—Los alcances del presente reglamento se extenderán a todos los cuerpos policiales y a todos los órganos de apoyo de carácter policial, agrupados dentro de las fuerzas de policía adscritas a este Ministerio, de modo que el marco de actuación de cada uno de éstos y de sus servidores queda debidamente regulado.

Artículo 54.—La Guardia de Asistencia Rural, la Guardia Civil y la Policía de Fronteras, como parte integrante de la Fuerza Pública de este Ministerio, actuarán bajo un solo mando policial, en cada región que el Ministerio determine en el territorio nacional, de conformidad con las competencias y atribuciones, que les otorga la Ley General de Policía y sus reformas.

Artículo 55.—Se entiende por prevención del delito, el conjunto de estrategias, tácticas y acciones que realiza el Ministerio, con la finalidad de conservar el orden público, la tranquilidad de los habitantes, el libre disfrute de las libertades públicas y de disminuir el riesgo de los habitantes a ser víctimas de alguna conducta delictiva.

Artículo 56.—La prevención del delito se llevará a cabo, mediante la actuación de la Fuerza Pública y el desarrollo de estrategias para la colaboración, capacitación y concientización de los habitantes.

Artículo 57.—Se entenderá por Seguridad Comunitaria y Comercial la estrategia de prevención del delito desarrollada por la Fuerza Pública, en coordinación con los grupos de la sociedad civil, organizados y capacitados para este propósito.

Artículo 58.—La actividad policial se desarrollará, en el ámbito nacional, en forma desconcentralizada y bajo el concepto de proximidad, que implica el conocimiento del entorno por parte del funcionario policial y que su labor debe estar dirigida a lograr la interacción policía - habitantes, con la finalidad de brindar respuesta oportuna, conveniente y eficaz y el servicio personalizado, teniendo la obligación de rendir cuentas de su gestión, cuando así sea requerido.

Artículo 59.—La Dirección General de la Fuerza Pública recomendará al Ministro(a), mediante un estudio técnico, las regiones en que se dividirá territorialmente la Fuerza Pública. Para su implementación contará con el apoyo de las instancias policiales y técnicas del Ministerio.

Artículo 60.—La Escuela Nacional de Policía es la instancia responsable de aprobar o convalidar los cursos obligatorios antes de incorporarse a la función policial y los cursos de especialidad antes de ocupar un puesto de mando o dirección.

De igual forma, corresponde a éste órgano definir si los funcionarios policiales que están en el proceso de capacitación en la Escuela y las personas que han convalidado cursos, tienen la formación adecuada para incorporarse a la función policial.

Artículo 61.—Para efectos del ingreso al Estatuto Policial, los funcionarios policiales, que en el desarrollo de sus actividades realicen, simultánea y permanentemente, funciones mixtas; (policiales-administrativas), serán considerados funcionarios policiales.

La calificación de la función mixta deberá hacerse luego de la realización de un estudio efectuado por la Dirección de Recursos Humanos, la que tomará en cuenta: la pertenencia del funcionario a uno de los cuerpos policiales adscritos a este Ministerio y haber sido nombrado de conformidad con lo establecido en el artículo 59 de la Ley General de Policía y sus Reformas.

La Dirección de Recursos Humanos solicitará los informes y demás documentación pertinente, con la finalidad de elaborar un expediente que sustente la resolución final que decida el cumplimiento de las funciones mixtas.

Artículo 62.—Sin perjuicio de lo establecido en otras disposiciones normativas, las funciones policiales ejercidas por los miembros de las fuerzas de policía, legalmente constituidas son: vigilar, mantener, conservar y reestablecer el orden público y la seguridad ciudadana, prevenir, las manifestaciones de delincuencia y cooperar para reprimirlas, defender la soberanía nacional, garantizar la seguridad e integridad de las personas y de los bienes, procurar el respeto de los derechos y libertades de los ciudadanos, colaborar con el cumplimiento de las normas sobre protección y conservación de la naturaleza, el ambiente y el patrimonio cultural e histórico y vigilar y controlar el uso y manejo de armas y explosivos y la ejecución de las decisiones de los órganos jurisdiccionales, electorales y administrativos.

También son funciones policiales aquellas actividades preparatorias o conexas necesarias para el cumplimiento de la labor principal y operativa de la función policial.

De conformidad con lo anterior, se considera elementos propios de la función policial:

1) Ejecutar acciones en coordinación con los diferentes sectores del Estado y de la sociedad civil, para la prevención de las manifestaciones de delincuencia.
2) La acción de captar, recibir y analizar información de interés policial para el mantenimiento de la seguridad y del orden públicos.
3) La planificación, coordinación, supervisión, ejecución y evaluación de las operaciones estratégicas y tácticas, dirigidas a cumplir con las funciones policiales.
4) La atención operacional de las emergencias de origen natural o antrópico.
5) Auxiliar o colaborar con los servicios de atención de emergencias, comunidades, gobiernos locales y las organizaciones de servicio público, en casos de riesgo, catástrofe y/o conmoción pública.
6) Colaborar en la protección y seguridad de los miembros de los supremos poderes y dignatarios.
7) La participación en actividades de formación y capacitación, estrictamente técnico policiales, que se impartan a funcionarios policiales para el desempeño profesional.
8) La actividad de formación y capacitación a los diferentes sectores de la sociedad civil en materia de seguridad ciudadana, que permitan fortalecer la prevención de las manifestaciones de delincuencia.
9) La acción tendiente a controlar y vigilar el uso y manejo de armas y explosivos.
10) La inspección, supervisión y control de los servicios de seguridad privada.
11) La labor de apoyo que permite el adecuado desarrollo de la función policial, tal como: custodia, distribución, transporte y mantenimiento de armas y explosivos, la movilización de los funcionarios y sus suministros policiales.
12) Las actividades de investigación, inspección y control para el correcto desempeño de las fuerzas de policía.
13) Las actividades orientadas a la obtención, procesamiento y difusión de la información operacional que permita la toma y adopción de decisiones oportuna, conveniente y fundamentada.
14) Vigilar y proteger las instalaciones y vías de comunicación de interés estratégico o táctico.

Artículo 63.—Los puestos de confianza de la Fuerza Pública serán los siguientes: Inspector a) General, Director(a) General de la Fuerza Pública, Directores (as) y Sub Directores (as) de la Policía de Control de Drogas, de la Escuela Nacional de Policía, del Servicio Privado de Seguridad, del Servicio de Vigilancia Aérea, de la Reserva de las Fuerzas de Policía, de la Dirección General de Armamento, del Servicio Nacional de Guardacostas y Directores Regionales de la Fuerza Pública.

Artículo 64.—Las direcciones podrán proponer al Ministro(a) el nombramiento permanente o temporal de consultores, asesores o de instructores, para que de manera voluntaria, colaboren con la Fuerza Pública en aquellos aspectos propios de la función policial.

Artículo 65.—Estos consultores o instructores deberán ser de reconocida solvencia moral, no serán remunerados por el servicio que presten ni ostentarán investidura pública alguna. Su elección y desempeño se regirá por las normas establecidas en el Reglamento de Servicio de este Ministerio.

CAPÍTULO II

Atribuciones y deberes de la Fuerza Pública

Artículo 66.—La Fuerza Pública tendrá las siguientes atribuciones y deberes en concordancia con los artículos 8° y 10 de la Ley General de Policía:

1) Ejecutar las políticas y acciones de seguridad ciudadana y nacional para el ejercicio y respeto a la Constitución Política, a la soberanía nacional, a la integridad territorial y el mantenimiento del orden público.
2) Asegurar el respeto de los bienes, derechos y libertades de los habitantes de la Nación.
3) Velar por el cumplimiento de los tratados internacionales y la normativa jurídica que garantice el orden en las zonas fronterizas terrestres, incluidas las edificaciones públicas, diplomáticas, sedes aeroportuarias y donde se realizan actividades aduanales y migratorias.
4) Ejecutar aquellas actuaciones policiales, dentro del ámbito de su competencia, que le sean debidamente requeridas por instituciones estatales, elaborando un informe y remitiendo los elementos probatorios, si así procede.
5) Coordinar para que de manera pronta y eficaz, se efectúe o realice la captura de personas evadidas de las cárceles o prófugos de la justicia.
6) Brindar auxilio y cooperación, dentro del marco de sus competencias, a gobiernos locales, instituciones del Estado, entidades de servicio público y en general a las comunidades.
7) Colaborar en la prevención y represión del delito, con base en el principio de reciprocidad con aquellas organizaciones internacionales de policía y de conformidad con la normativa y los convenios vigentes.
8) Velar por el cumplimiento de lo estipulado en la Ley de Armas y Explosivos y sus reformas.
9) Mantener actualizados los registros e inventarios de armas, municiones, explosivos y equipos indispensables para el cumplimiento de sus funciones.
10) Elaborar los registros necesarios para hacer constar las operaciones policiales, sus responsables, el personal que intervenga en el operativo, patrullaje o acción policial, así como el nombre completo y demás calidades de las personas detenidas, sus horas de ingreso y egreso de la unidad policial.
11) Cumplir sus funciones sin limitación de horario, con el debido esmero, denuedo y dedicación, para el cumplimiento de lo dispuesto por el ordenamiento jurídico.
12) Guardar estricta confidencialidad sobre la información obtenida de las investigaciones y operativos policiales llevados a cabo o en proceso.

Annex 235

MUNICIPAL MAYOR OF SAN CARLOS, COSTA RICA, LIC. ALFREDO CÓRDOBA SORO, TO HEAD OF FOREIGN POLICY, COSTA RICAN FOREIGN MINISTRY, LIC. JOSÉ JOAQUÍN CHAVERRI SEEVERS, NOTE NO. AM-1315-2005, 18 OCTOBER 2005

TRANSLATION

Municipality of San Carlos
Mayor's Office – APDO 13
Telephone: 460-12-72 Fax: 460-03-93
4.400 Ciudad Quesada

October 18, 2005
AM-1315-2005

Lic. Jose Joaquin Chaverri Seevers
Head of Foreign Policy
Ministry of Foreign Affairs and Worship
San Jose, Costa Rica

Dear Sir:

It is with great concern that I have followed the development of the conflict on the San Juan River. Last weekend, I visited the border area at the mouth of the San Carlos River in order to confirm, at that location, the fear in which hundreds of Costa Ricans are living due to the measures adopted by the Nicaraguan authorities.

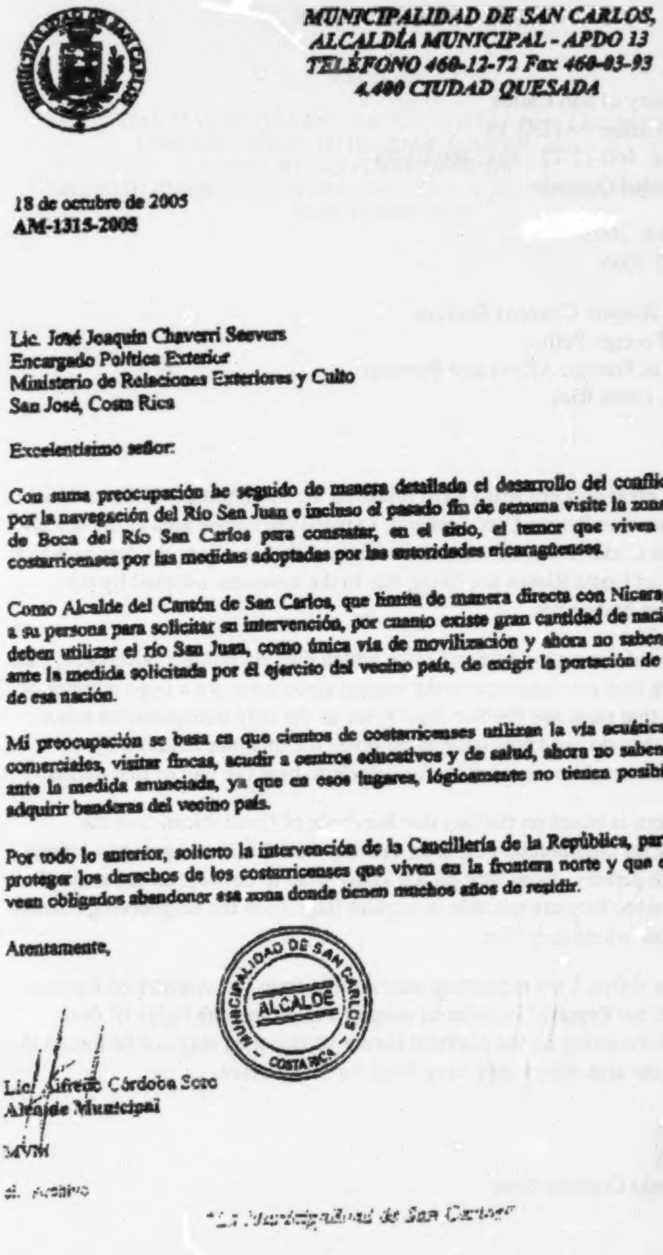
As Mayor of the canton of San Carlos which directly borders Nicaragua, I am requesting that you intervene in the matter, since there are a large number of nationals that must use the San Juan River as the only transportation route and now they do not know what to do given the measure required by the army of the neighboring country for vessels to bear the flag of that nation.

My concern is based on the fact that hundreds of Costa Ricans use the waterway for commercial purposes, visiting their farms and going to school and health centers. Now they do not know what to do with the announced measure since they are not able to acquire flags from the neighboring country in the areas where they live.

Given the above, I am requesting intervention from the Ministry of Foreign Affairs of the Republic in order to support and protect the rights of those Costa Ricans living on the northern border so that they may not be forced to abandon the area where they have lived for many years.

Sincerely,
Signed by
Lic. Alfredo Cordoba Soro
Mayor

Sealed by the Municipality of San Carlos, Costa Rica



MUNICIPALIDAD DE SAN CARLOS,
ALCALDÍA MUNICIPAL - APDO 13
TELÉFONO 460-12-72 Fax 460-03-93
4.400 CIUDAD QUESADA

18 de octubre de 2005
AM-1315-2005

Lic. José Joaquín Chaverri Seevers
Encargado Política Exterior
Ministerio de Relaciones Exteriores y Culto
San José, Costa Rica

Excelentísimo señor:

Con suma preocupación he seguido de manera detallada el desarrollo del conflicto surgido por la navegación del Río San Juan e incluso el pasado fin de semana visite la zona fronteriza de Boca del Río San Carlos para constatar, en el sitio, el temor que viven cientos de costarricenses por las medidas adoptadas por las autoridades nicaragüenses.

Como Alcalde del Cantón de San Carlos, que limita de manera directa con Nicaragua, acudo a su persona para solicitar su intervención, por cuanto existe gran cantidad de nacionales que deben utilizar el río San Juan, como única vía de movilización y ahora no saben que hacer ante la medida solicitada por el ejercito del vecino país, de exigir la portación de la bandera de esa nación.

Mi preocupación se basa en que cientos de costarricenses utilizan la vía acuática con fines comerciales, visitar fincas, acudir a centros educativos y de salud, ahora no saben que hacer ante la medida anunciada, ya que en esos lugares, lógicamente no tienen posibilidades de adquirir banderas del vecino país.

Por todo lo anterior, solicito la intervención de la Cancillería de la República, para apoyar y proteger los derechos de los costarricenses que viven en la frontera norte y que estos no se vean obligados abandonar esa zona donde tienen muchos años de residir.

Atentamente,

ALCALDE

Lic. Alfredo Córdoba Soro
Alcalde Municipal

MVM

c. Archivo

"La Municipalidad de San Carlos"

Annex 236

DIRECTOR OF THE PITAL HEALTH AREA OF SAN CARLOS, COSTA RICAN DEPARTMENT OF SOCIAL SECURITY, DR. KATTIA CORRALES BARBOZA, TO DIRECTOR OF THE REGIONAL MANAGEMENT AND HEALTH SERVICE NETWORKS, NORTH HUETAR REGION, DR. OMAR ALFARO MURILLO, NOTE NO. RHNPI-303, 7 NOVEMBER 2005

TRANSLATION

Costa Rican Department of Social Security
PITAL HEALTH AREA
TEL.: 473-30-89 - Fax 473-35-53

Pital, 07 November 2005
RHNPI-303

Dr. Omar Alfaro Murillo
Director
Regional Management and Health Service Networks
North Huetar Region

Dear Doctor:

RE: House calls and Visit to Boca Cureña.

Due to the current problems regarding navigation along the San Juan River, I am informing you that house calls and the Visit to Boca Cureña were suspended this month until an institutional assessment is issued in this respect. The aim of the above is to protect the Health workers.

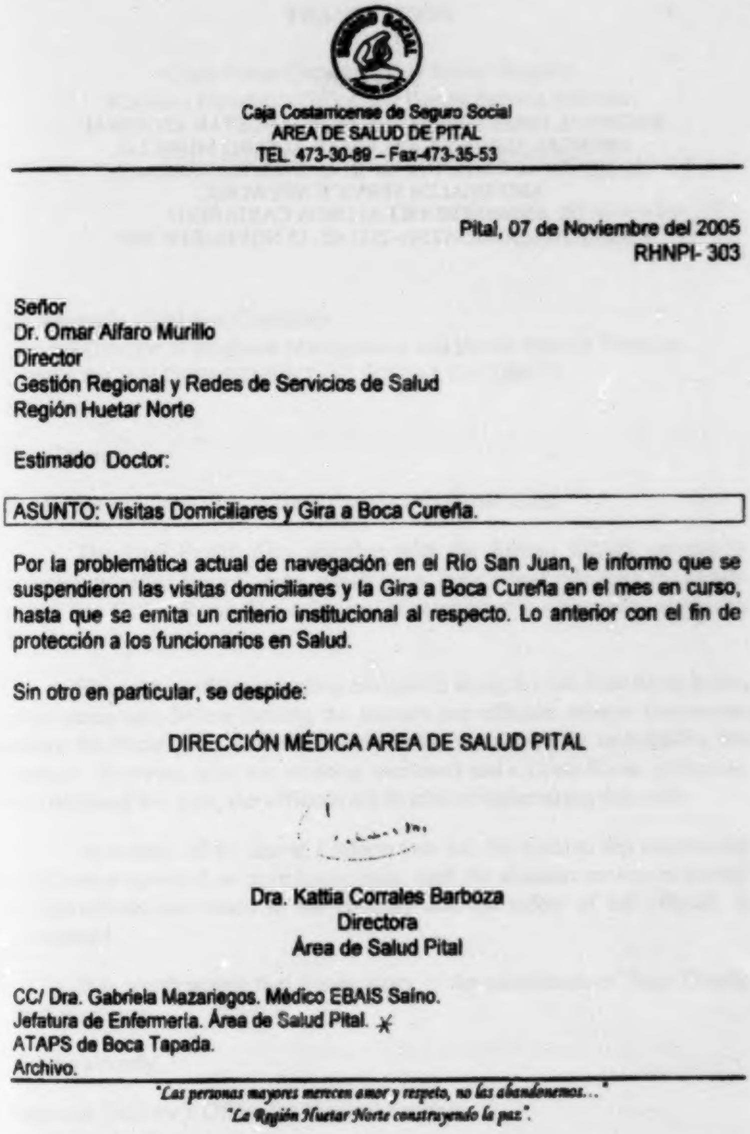
Yours sincerely,

MEDICAL DIRECTOR'S OFFICE, PITAL HEALTH AREA

AREA DIRECTOR'S OFFICE
PITAL HEALTH AREA
COSTA RICAN DEPARTMENT OF SOCIAL SECURITY

Dr. Kattia Corrales Barboza
Director
Pital Health Area

CC/: Dr. Gabriela Mazariegos, Doctor, Saino EBAIS.
Head of Nursing. Pital Health Area.
ATAPS of Boca Tapada.
Archives.



Caja Costarricense de Seguro Social
AREA DE SALUD DE PITAL
TEL. 473-30-89 – Fax-473-35-53

Pital, 07 de Noviembre del 2005
RHNPI- 303

Señor
Dr. Omar Alfaro Murillo
Director
Gestión Regional y Redes de Servicios de Salud
Región Huetar Norte

Estimado Doctor:

ASUNTO: Visitas Domiciliares y Gira a Boca Cureña.

Por la problemática actual de navegación en el Río San Juan, le informo que se suspendieron las visitas domiciliares y la Gira a Boca Cureña en el mes en curso, hasta que se emita un criterio institucional al respecto. Lo anterior con el fin de protección a los funcionarios en Salud.

Sin otro en particular, se despide:

DIRECCIÓN MÉDICA AREA DE SALUD PITAL

Dra. Kattia Corrales Barboza
Directora
Área de Salud Pital

CC/ Dra. Gabriela Mazariegos. Médico EBAIS Saino.
Jefatura de Enfermería. Área de Salud Pital.
ATAPS de Boca Tapada.
Archivo.

"Las personas mayores merecen amor y respeto, no las abandonemos..."
"La Región Huetar Norte construyendo la paz".

Annex 237

REGIONAL DIRECTOR OF THE NORTH HUETAR REGIONAL MEDICAL SERVICES, DR. OMAR ALFARO MURILLO, TO GENERAL DIRECTOR OF REGIONAL MANAGEMENT AND HEALTH SERVICE NETWORK, DR. ARMANDO VILLALOBOS CASTAÑEDA, NOTE NO. DGRRSSRHN-2511-05, 15 NOVEMBER 2005

TRANSLATION

Costa Rican Department of Social Security
Regional Director's Office and Health Service Network
North Huetar Region
TEL.: 460-3553 – 460-6579 FAX: 460-2181

Ciudad Quesada, 15 November 2005
DGRRSSRHN-2511-05

Dr. Armando Villalobos Castañeda
General Director of Regional Management and Health Service Network
COSTA RICAN DEPARTMENT OF SOCIAL SECURITY
San Jose

Dear Doctor:

Re: House calls and Visit to Boca Cureña and House Calls

The Pital Health Area together with the Sahino EBAIS services a community called Boca Cureña, which is one hour's boat ride from the mouth of the San Carlos River. The only way of reaching this community is via the San Juan River.

Since the conflicts regarding navigation along the San Juan River began some years ago, before making the journey our officials present themselves before the Nicaraguan authorities and request the permit for undertaking the journey. However, after the situation worsened and a Costa Rican policeman was detained in Upala, our officials are fearful of undertaking this visit.

As a result of the above, I inform you that the visits to this community have been suspended, as have house calls, until the situation returns to normal or instructions are issued to the contrary and the safety of the officials is guaranteed.

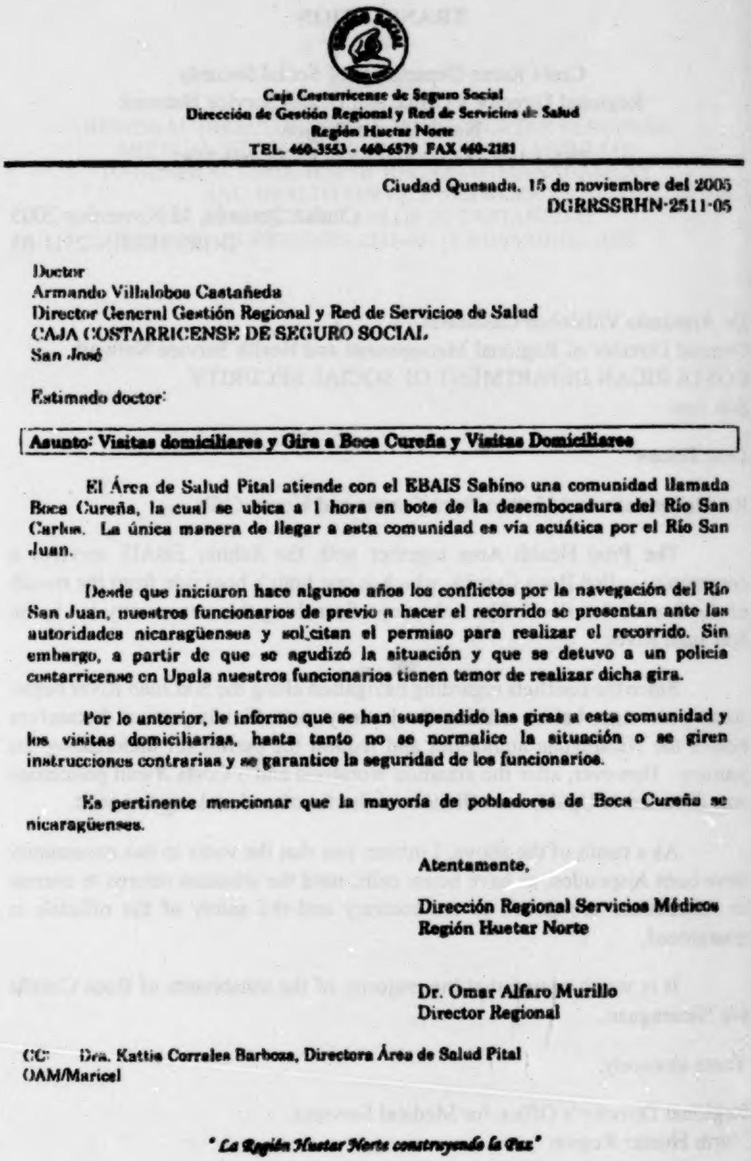
It is worth noting that the majority of the inhabitants of Boca Cureña are Nicaraguan.

Yours sincerely,

Regional Director's Office for Medical Services
North Huetar Region

Dr. Omar Alfaro Murillo
Regional Director

CC: Dr. Kattia Corrales Barboza, Director, Pital Health Area



Caja Costarricense de Seguro Social
Dirección de Gestión Regional y Red de Servicios de Salud
Región Huetar Norte
TEL. 460-3553 - 460-6579 FAX 460-2181

Ciudad Quesada, 15 de noviembre del 2005
DGRRSSRHN-2511-05

Doctor
Armando Villalobos Castañeda
Director General Gestión Regional y Red de Servicios de Salud
CAJA COSTARRICENSE DE SEGURO SOCIAL
San José

Estimado doctor:

Asunto: Visitas domiciliares y Gira a Boca Cureña y Visitas Domiciliares

El Área de Salud Pital atiende con el EBAIS Sabino una comunidad llamada Boca Cureña, la cual se ubica a 1 hora en bote de la desembocadura del Río San Carlos. La única manera de llegar a esta comunidad es vía acuática por el Río San Juan.

Desde que iniciaron hace algunos años los conflictos por la navegación del Río San Juan, nuestros funcionarios de previo a hacer el recorrido se presentan ante las autoridades nicaragüenses y solicitan el permiso para realizar el recorrido. Sin embargo, a partir de que se agudizó la situación y que se detuvo a un policía costarricense en Upala nuestros funcionarios tienen temor de realizar dicha gira.

Por lo anterior, le informo que se han suspendido las giras a esta comunidad y las visitas domiciliarias, hasta tanto no se normalice la situación o se giren instrucciones contrarias y se garantice la seguridad de los funcionarios.

Es pertinente mencionar que la mayoría de pobladores de Boca Cureña se nicaragüenses.

Atentamente,

Dirección Regional Servicios Médicos
Región Huetar Norte

Dr. Omar Alfaro Murillo
Director Regional

CC: Dra. Kattia Corrales Barboza, Directora Área de Salud Pital
OAM/Maricel

" La Región Huetar Norte construyendo la Paz"

Annex 238

MR. JORGE LAO JARQUÍN AND MR. SANTOS ARRIETA FLORES TO COSTA RICAN FOREIGN MINISTRY, 22 NOVEMBER 2005

TRANSLATION

Sarapiquí, 22 November, 2005

Foreign Affairs Ministry of Costa Rica
Fax 256-0561

Dear Sirs:

We the undersigned, all tourism operators (boatmen) in the area of Puerto Viejo de Sarapiqui, inform you, with the purpose that due protection is granted to us, about the events that have recently occurred at the border with the San Juan River, which are well-known by you, and are related to our being prevented from entering the river.

We had already received the threat by the Nicaraguan authorities and of Immigration that in order for us to enter our own territory through the San Juan River, our vessels must bear the Nicaraguan flag, so that in a coveted manner we would yield our sovereignty; moreover, that the captain must carry a passport with a visa even though our trip is to Costa Rican territory, since our tour runs from Puerto Viejo de Sarapiquí to Tortuguero and Barra del Colorado.

The threats came quickly: whoever does not bear the Nicaraguan flag will be returned; we must therefore bear the flag.

They also effectively started forcing us to carry our passport with their visa.

These threats also became a reality.

On November fifteenth of this year, our colleague Pablo Hernandez Varela was heading from Puerto Viejo de Sarapiquí to Tortuguero with two tourists, and since he was not carrying his passport, the Nicaraguan authorities sent him back, which forced him to return along with the tourists.

Yesterday the same thing occurred to our colleague Carlos Lao Jarquin, who was returning from Tortuguero to Puerto Viejo de Sarapiquí. He was not carrying tourists and at the Post at the mouth of the Sarapiquí, the Nicaraguan authorities retained him there for a time period of between an hour-and-a-half and two hours because he was not carrying a passport being that, as we said, he was traveling to Costa Rican territory.

This of course is causing us moral as well as material damage and affects the sovereignty and prestige of our country.

We have a solution on a regional level that is more practical and the State does not have to invest millions in legal fees to defend our interests at the International Court at The Hague. What happens is that the Government has never listened to its citizens.

It is not in vain, that the Inter-American Network for Democracy in an ACAN-EFE newswire dated October 27 of this year, indicates that Costa Rica has the lowest level of citizen participation among eight Latin American countries, and although Costa Ricans perceive democracy as the best political system, they show much political apathy. According to a study presented today, Costa Rica has a citizen participation index of 3.9%, the lowest registering on a scale from 1 to 10.

We request that you let us know how this matter will be resolved within the time frame established by the Law of Constitutional Jurisdiction.

The following fax is intended to receive any notices or communications 766-6131 or the e-mail samosu@racsa.co.cr

Sincerely,

Signed by Jorge Lao Jarquín
ID card 4-102-714

Signed by Santos Arrieta Flores
ID card 4-118-600

Sarapiquí, 22 de Noviembre del año 2005

Señores

Cancillería de la República de Costa Rica

Fax 2560561.

Distinguidos señores:

Nosotros los abajo firmantes, todos los operarios turísticos (boteros) en la zona de Puerto Viejo de Sarapiquí, venimos a poner en conocimiento con el fin de que se nos brinde la protección, los hechos últimamente acaecidos en la frontera con el Río San Juan, lo cual es herto conocido por ustedes al impedimos el ingreso:

Ya por parte de las autoridades Nicaragüenses y de Migración habíamos recibido la amenaza que para accesar a nuestro territorio utilizando el Río San Juan, nuestras embarcaciones debían utilizar la bandera Nicaragüense para que, de manera solapada doblegáramos nuestra soberanía, luego que el capitán debía portar pasaporte debidamente visado no obstante que nosotros nos trasladamos a territorio costarricense pues nuestra gira es de Puerto Viejo de Sarapiquí a Tortuguero y Barra de Colorado.

Las amenazas no se hicieron esperar: quien no porta bandera Nicaragüense, es devuelto, así es que tenemos que portarla.

También hicieron efectivas las medidas de obligarnos a portar pasaporte debidamente visado por ellos.

Tales amenazas fueron también concretadas:

El día quince de noviembre del presente año, el compañero Pablo Hernández Varela se dirigía de Puerto Viejo de Sarapiquí a Tortuguero con dos turistas y como no portaba pasaporte, las autoridades Nicaragüenses lo devolvieron, lo que provocó que él se regresara con los turistas.

El día de ayer sucedió lo mismo con el compañero Carlos Lao Jarquín, el cual regresaba de Tortuguero a Puerto Viejo de Sarapiquí, no traía turistas y en el Puesto de la Boca de Sarapiquí, las autoridades Nicaragüenses lo retuvieron por espacio de hora y media a dos horas porque tampoco portaba pasaporte, siendo que, como repetimos, ya se trasladaba a territorio costarricense.

Esto desde luego que no está causando un daño moral y material y afecta la soberanía y prestigio de nuestro país.

Nosotros tenemos una solución a nivel del cantón que es más práctica y el Estado no tiene que invertir en pago millonario de honorarios a los abogados que van a defender nuestros intereses en la Corte Internacional de la Haya. lo que sucede es que el Gobierno, nunca ha brindado participación a los ciudadanos.

No en vano, La Red Interamericana para la Democracia en una publicación de ACAN EFE del 27 de Octubre de este año, indica que Costa Rica registra el índice más bajo de participación ciudadana entre ocho países latinoamericanos y, aunque los costarricenses perciben a la democracia como el mejor sistema político, muestran gran apatía electoral, según un estudio presentado hoy. Costa Rica obtuvo un índice de participación ciudadana de 3,9 por ciento, el más bajo registrado en una escala de 1 a 10.

Solicitamos que se nos comunique lo resuelto dentro del plazo previsto por la Ley de Jurisdicción Constitucional.

Para atender notificaciones señalamos el fax 7666131 o el correo electrónico: samosu@racsa.co.cr

Atentamente

Jorge Lao Jarquín
Cédula 4-102-714.

Santos Arrieta Flores.
Cédula 4-118-600.

Annex 239

HEAD OF THE NURSING DEPARTMENT OF THE PITAL HEALTH AREA, COSTA RICAN DEPARTMENT OF SOCIAL SECURITY, LIC. ANTONIO GARCÍA PÉREZ, TO DIRECTOR OF THE PITAL HEALTH AREA OF SAN CARLOS, COSTA RICAN DEPARTMENT OF SOCIAL SECURITY, DR. KATTIA CORRALES BARBOZA, NOTE NO. DAP-EA-030-2006, 9 FEBRUARY 2006

TRANSLATION

Costa Rican Department of Social Security
Pital Health Area
Care Model
TEL.: 473-3089 – 473-3713

EBAIS
A New

PITAL HEALTH AREA
DAP-EA-030-2006

Pital, 09 February 2006

Dr. Kattia Corrales Barboza
Health Area Director

Dear Doctor:

I am informing you that as of the month of November 2005 this department has suspended Primary Care activities in the communities of Chorreras and Boca Cureña, in the Boca Tapada de San Carlos region, due to the increasing restrictions on free navigation along the San Juan River, which you yourself refer to in the letter RHNPI-303 of 07 November 2005.

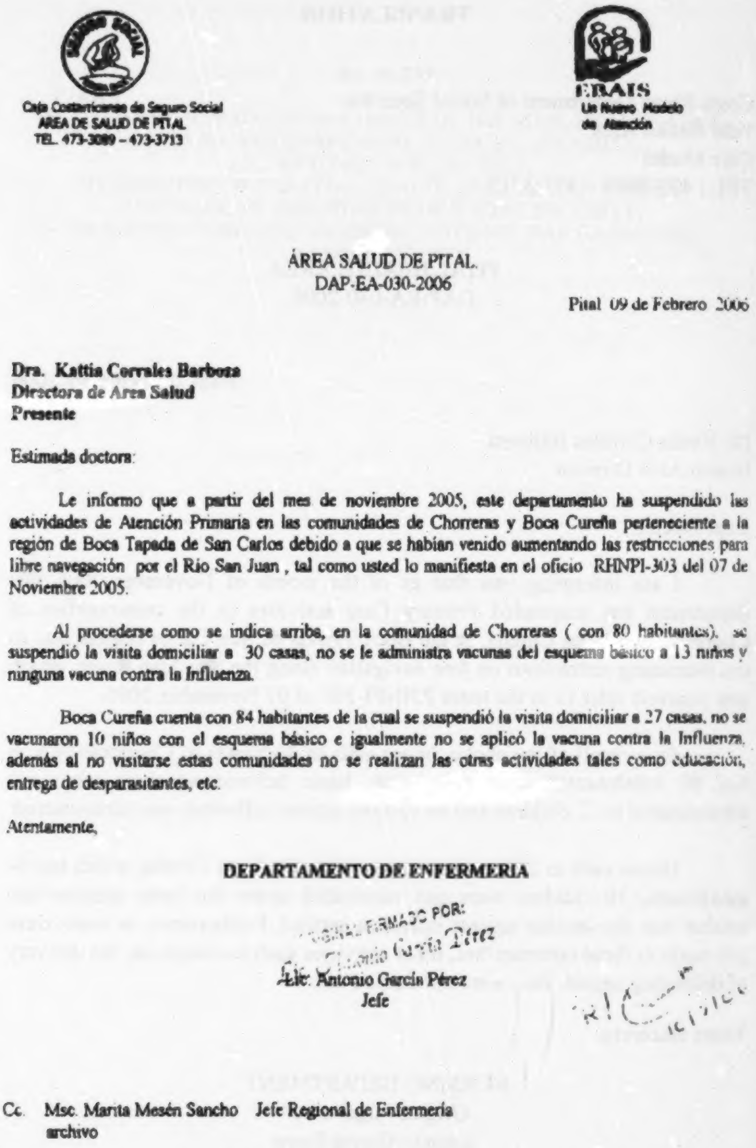
As a result of the above, house calls to 30 homes in Chorreras (which has 80 inhabitants) were suspended, basic scheme vaccines were not administered to 13 children and no vaccine against influenza was administered.

House calls to 27 homes were suspended in Boca Cureña, which has 84 inhabitants, 10 children were not vaccinated under the basic scheme and neither was the vaccine against influenza applied. Furthermore, as visits were not made to these communities, other activities such as education, the delivery of delousing agents, etc., were not carried out.

Yours sincerely,

NURSING DEPARTMENT
Original signed by:
Antonio Garcia Perez
Head

Cc: Maria Mesen Sancho, M.Sc., Regional Head of Nursing
archives



Caja Costarricense de Seguro Social
AREA DE SALUD DE PITAL
TEL. 473-3089 – 473-3713

EBAIS
Un Nuevo Modelo
de Atención

ÁREA SALUD DE PITAL.
DAP-EA-030-2006

Pital 09 de Febrero 2006

Dra. Kattia Corrales Barboza
Directora de Area Salud
Presente

Estimada doctora:

Le informo que a partir del mes de noviembre 2005, este departamento ha suspendido las actividades de Atención Primaria en las comunidades de Chorreras y Boca Cureña perteneciente a la región de Boca Tapada de San Carlos debido a que se habían venido aumentando las restricciones para libre navegación por el Río San Juan , tal como usted lo manifiesta en el oficio RHNPI-303 del 07 de Noviembre 2005.

Al procederse como se indica arriba, en la comunidad de Chorreras (con 80 habitantes), se suspendió la visita domiciliar a 30 casas, no se le administra vacunas del esquema básico a 13 niños y ninguna vacuna contra la Influenza.

Boca Cureña cuenta con 84 habitantes de la cual se suspendió la visita domiciliar a 27 casas, no se vacunaron 10 niños con el esquema básico e igualmente no se aplicó la vacuna contra la Influenza, además al no visitarse estas comunidades no se realizan las otras actividades tales como educación, entrega de desparasitantes, etc.

Atentamente,

DEPARTAMENTO DE ENFERMERIA

FIRMADO POR:
García Pérez
Lic. Antonio García Pérez
Jefe

Cc. Msc. Marita Mesén Sancho Jefe Regional de Enfermería
archivo

Annex 240

NOTE OF THE INTENDENT COMMANDER IN SERVICE OF THE ATLANTIC COMMAND UNIT, SARAPIQUÍ, DANIEL SOTO MONTERO, TO COSTA RICAN FOREIGN MINISTRY, 14 FEBRUARY 2006

TRANSLATION

MINISTRY OF PUBLIC SECURITY
ATLANTIC COMMAND UNIT, SARAPIQUÍ

February 14, 2006

Sirs:

Ministry of Foreign Affairs of the Republic, San José, Costa Rica

Dear Sirs:

In reply to the information requested by your Office about the case relating to the use of the San Juan River by Costa Rican Authorities, the Atlantic Command unit provides you with the following.

Having revised the book of records used in this police unit to register novelties generated daily through the radio network and which were entered into the abovementioned book of records, we could notice certain events that we pass to detail by the dates of the books of records and their respective numbers of the pages where information about navigation on the San Juan river was registered by Police Agents before officials of the Nicaraguan Government began to set restrictions on Costa Rican authorities to navigate the San Juan River. Such restrictions were imposed progressively to the point of forbidding Police officers to navigate with the service arms.

It is for this reason that we ceased to use this waterway for some time and we had to use the overland route in spite of its difficult access. By 14 July 1998, at the 15:10 hours, First Lieutenant Álvaro Ríos-Cárdenas came to the Delta Costa Rica Police Post, named Delta No. 7. Mr. Ríos identified himself as the Chief of the Nicaraguan Army Post located at the Nicaragua delta in front of the Costa Rican Post and he presented himself to Inspector William Herrera-Chávez, who was the Chief of the Costa Rican Atlantic Command Police Unit and he informed him verbally that the reason of his visit was to inform him of the instructions given to him by Colonel Lieutenant Orlando Talavera, Chief of the South Detachment of the Nicaraguan Army, and that the passage through the San Juan River was banned as of that time and date for any Costa Rican authority.

Books revised:

1- Book of records from 01/01/ 1998 through 04/03/1998
Pages No. 26-33-34-35-36-37-38-39-40-41-52-53-54-84-93-95-96-110-111-164-165-166-167-168-213-214-218-254-250.

2- Book of records from 12/12/1997 through 22/03/1997
Pages No. 3-4-5-12-15-21-22-32-33-40-41-46-47-53-88-89-90-91-94-95-97-98-117-118-119-120-147-148-149-152-153-155-159-161-163-195.

3- Book of records from 08/26/1995 through 19/11/1995
Pages No. 6-8-11-14-15-16-36-46-47-49-50-51-77-79-80-87-117-138-139-140-151-153-163-179-201-202-204-205-206-207-209-210-211-218-229-262-263-264-265-268-271-272-291-293-297.

4- Book of records from 22/09/1997 through 26/10/1997
Pages No. 11-12-15-16-41-42-43-44-114-125-126-127-133-134-136-137-140-147-166-167-171-172.

5- Book of records from 30/04/1997 through 22/05/1997
Pages No. 63-65-66-69-71.

6- Book of records from 08/07/1997 through 25/07/1997
Pages No. 15-16-21-25-26-27-28-29-30-31-51-60-70-71-72-74-77-78-79-81-88-89-93-94.

7- Book of records from 20/06/97 through 08/07/1997
Pages No. 35-36-37-38-39-40-41-43-44-60-61-68-70-95-97.

8-Book of records from 05/04/1998 through 04/07/1998
Pages No. 34-37-69-70-83-85-86-94-95-113-114-115-116-133-134-135-136-138-139-140-141-152-168-170-196-198-199-201-202-203-205-227-228-229-241-242-243-252-256-259.

9- Book of records from 04/07/1998 through 17/07/1998
Pages No. 63-64-66-68-75-76-88.

10- Book of records from 17/07/1998 through 13/09/1998
Pages No. 20-21-22-24-25-26-27-28-37-40-41-47-48-61-64-65-69-76-77-78-79-81-82-83-84-88-89-108-112-138-185.

11- Book of records from 22/03/1997 though 30/04/1997
Pages No. 33-34-37-47-48-49-51-55-56-101-102-113-114-115-130-131-132-133-135-148-149-152-180-181-182-183-190.

12- Book of records from 12/01/1997 through 12/02/1997
Pages No. 4-5-6-7-12-16-17-18-19-26-79-80-81-86-87-88-92-93-94-98-99-100-101-145-149-156-157-158-167-168-169-177-178-188-191-192-193-196-197-198-199.

13- Book of records from 26/10/1997 through 01/01/1998
Pages No. 4-5-6-8-11-12-13-14-15-16-17-18-67-68-69-75-76-77-78-79-97-98-99-100-101-102-130-133-135-136-137-138-150-151-157-158-209-210-211-213-214-215-217-218-287-288-289-290-292-293-294.

14- This search of information concludes with the revision of the book of records that was being kept by the commanders at that moment in order to control the orders dictated by their superiors on August 10 of 1998, page 174, whereby it is ordered to stop navigating the San Juan River during the negotiations with Nicaraguan authorities for the opening of this communication route and for the supply of the police posts located on its margins.

Hoping that we have provided you with the required information,

Sincerely yours,

Daniel Soto-Montero, Intendent
Commander in service, Atlantic Command Unit
Sarapiquí, Heredia

MINISTERIO DE SEGURIDAD PUBLICA
COMANDO ATLÁNTICO, SARAPIQUÍ
comando.atlantico@msp.go.cr-
Tel. 766-65-75 / Fax-766-64-85

14 de Febrero de 2006

Señores:

Cancillería General De la Republica San José Costa Rica.

Estimado Señores:

En respuesta a la información que interesa a su Despacho, con relación al caso: utilización del Río San Juan por parte de Autoridades Costarricenses, el Comando Atlántico se permite suministrarle lo siguiente:

Revisados los libros de actas utilizados en esta unidad policial para contemplar las novedades, que se generaban diariamente mediante la red de radio y que fueron asentaos en los referidos libros de actas se logró apreciar dichas incidencias que a continuación se les detalla mediante fechas de los libros de actas y sus respectivos números de folios en los que se registró información relacionada sobre la navegación en él rió San Juan, por parte de Agentes Policiales antes que funcionarios del Gobierno Nicaragüense empezaran a poner restricciones a las autoridades Policiales costarricenses por navegar en el Río San Juan. Siendo que estas fueron impuestas Paulatinamente hasta el punto de que se llego a prohibir que los Policías viajaran utilizando las armas de reglamento.

Por ese motivo esta vía se deja de utilizar por algún tiempo; teniendo que recurrir a la vía terrestre aunque esta fuera de difícil acceso, y para la fecha 14 de julio de 1998, a las 15:10 horas, se presenta al Puesto Policial Delta Costa Rica, denominado Delta No.7, el Teniente Primero, Álvaro Ríos Cárdenas, que se identifica en condición de Jefe de Puesto del Ejército de Nicaragua, que se ubica en el delta Nicaragua, frente al Puesto Costarricense, ante el Inspector William Herrera Chávez en su condición de Jefe del Puesto Costarricense de la Unidad Policial Comando Atlántico y le informa verbalmente que el motivo de su presencia es para informarle las instrucciones que le está suministró el Teniente Coronel Orlando Talavera, Jefe del Destacamento Militar Sur del Ejército de Nicaragua que a partir de esta hora y fecha Queda restringido el paso por el Río San Juan de cualquier autoridad de Costa Rica.

Libros revisados:

1- Libro de actas que comprende de la fecha 01/01/1998 a la fecha 03/04/1998
Folios #26-33-34-3536-37-38-39-40-41-52-53-54-84-93-95-96-110-111-164-165-166-167-168-213-214-218-254-250.

2 - Libro de actas que comprende de la fecha 12/12/1997 a la fecha 22/03/1997
Folios #3-4-5-12-15-21-22-32-33-40-41-46-47-53-88-89-90-91-94-95-97-98-117-118-119-120-147-148-149-152-153-155-159-161-163-195.

3- Libro de actas que comprende de la fecha 26/08/1995 a la fecha 19/11/1995
Folios #6-8-11-14-15-16-36-46-47-49-50-51-77-79-80-87-117-138-139-140-151-153-163-179-201-202-204-205-206-207-209-210-211-218-229-262-263-264-265-268-271-272-291-293-297.

4 - Libro de actas que comprende de la fecha 22/09/1997 a la fecha 26/10/1997
Folios #11-12-15-16-41-42-43-44-114-125-126-127-133-134-136-137-140-147-166-167-171-172.

5 - Libro de actas que comprende de la fecha 30/04/1997 a la fecha 22/05/1997
Folios #63-65-66-69-71.

6 - Libro de actas que comprende de la fecha 08/07/1997 a la fecha 25/07/1997
Folios #15-16-21-25-26-27-28-29-30-31-51-60-70-71-72-74-77-78-79-81-88-89-93-94.

7 - Libro de actas que comprende de la fecha 20-/06//97 a la fecha 08/07/1997
Folios #35-36-37-38-39-40-41-43-44-60-61-68-70-95-97.

8 - Libro de actas que comprende de la fecha 05-04-1998 a la fecha 04/07/1998
Folios #34-37-69-70-83-85-86-94-95-113-114-115-116-133-134-135-136-138-139-140-141-152-168-170-196-198-199-201-202-203-205-227-228-229-241-242-243-252-256-259.

9 - Libro de actas que comprende de la fecha 04/07/1998 a la fecham17/07/1998
Folios #63-64-66-68-75-76-88.

10 - Libro de actas que comprende de la fecha 17/07/1998 a la fecha 13/09/1998
Folios #20-21-22-24-25-26-27-28-37-40-41-47-48-61-64-65-69-76-7778-79-81-82-83-84-88-89-108-112-138-185.

11 - Libro de actas que comprende de la fecha 22/03/1997 a la fecha 30/04/1997.
Folios #33-34-37-47-48-49-51-55-56-101-102-113-114-115-130-131-132-133-135-148-149-152-180-181-182-183-190.

12 - Libro de actas que comprende de la fecha 12/01-1997 a la fecha 12/02/1997
Folios #4-5-6-7-12-16-17-18-19-26-79-80-81-86-87-88-92-93-94-9899-100-101-145-149-156-157-158-167-168-169-177-178-188-191-192-193-196-197-198-199.

13 - Libro de actas que comprende de la fecha 26/10/1997 a la fecha 01/01/1998
Folios #4-5-6-8-11-12-13-14-15-16-17-18-67-68-69-75-76-77-78-79-97-98-99-100-101-102-130-133-135-136-137-138-150-151-157-158-209-210-211-213-214-215-217-218-287-288-289-290-292-293-294.

14 - Esta búsqueda de información concluye con la revisión del libro de actas que en ese momento llevaban los comandantes como control de ordenes emanadas de sus superiores en la fecha **10 de agosto de 1998 en el folio 174 donde se ordena dejar de navegar por la vía del rió San Juan mientras se gestionaba con autoridades Nicaragüenses la apertura de esta vía de comunicación y suministro a los puestos policiales ubicados en las márgenes del rió San Juan.**

En espera de dejarlos debidamente informados se suscribe:

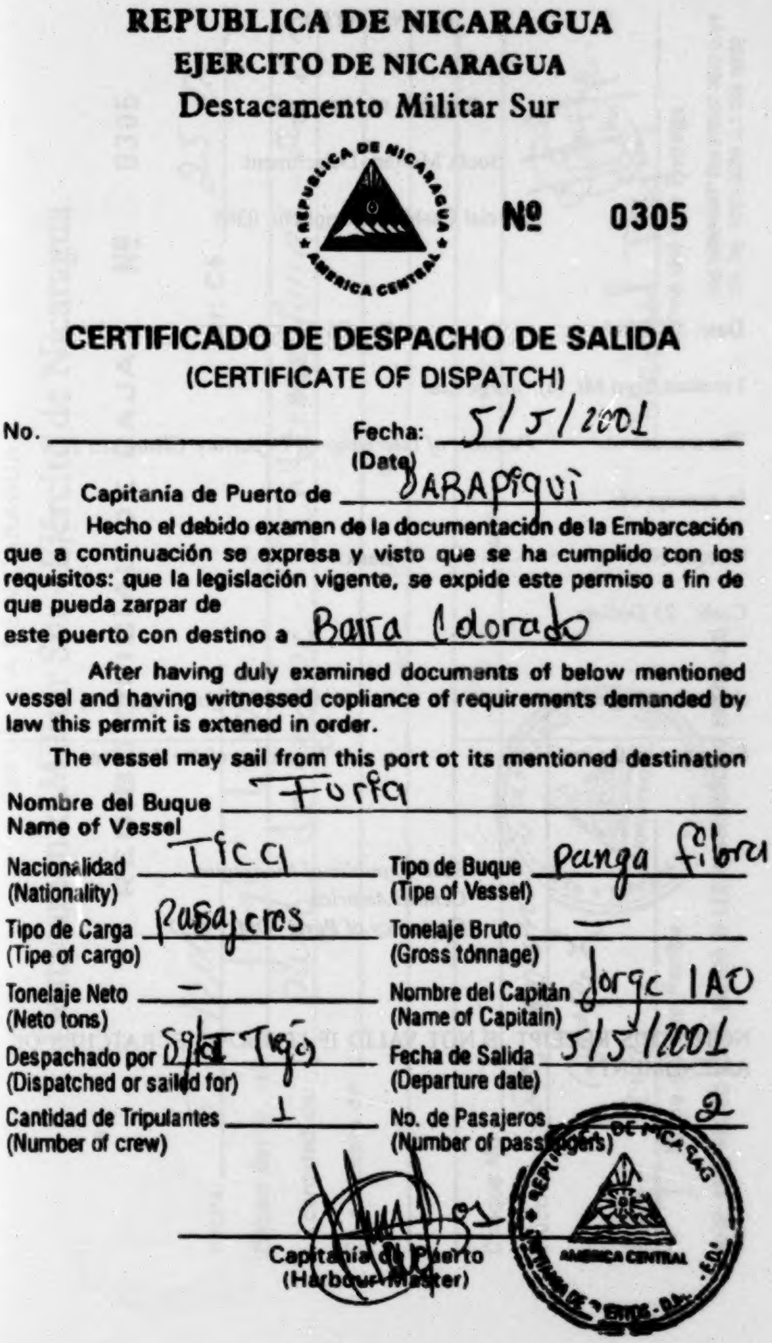
Atentamente,

Intendente; Daniel Soto Montero
Comandante en servicio, Comando Atlántico,
Sarapiquí, Heredia.

Annex 241

RECEIPTS OF PAYMENT OF THE "DEPARTURE CLEARANCE CERTIFICATE":

(A) DEPARTURE CERTIFICATE FOR US$25 CHARGED
AT THE SARAPIQUÍ ARMY POST AND RECEIPT THEREOF, 5 MAY 2001
(B) DEPARTURE CERTIFICATE FOR US$25 CHARGED
AT EL DELTA ARMY POST, 5 MAY 2001
(C) RECEIPT FOR US$5 CHARGED
AT THE SARAPIQUÍ ARMY POST, 23 JUNE 2006
(D) RECEIPT FOR US$10 CHARGED
AT SAN JUAN DEL NORTE ARMY POST, 23 JUNE 2006



REPUBLICA DE NICARAGUA
EJERCITO DE NICARAGUA
Destacamento Militar Sur

Nº 0305

CERTIFICADO DE DESPACHO DE SALIDA
(CERTIFICATE OF DISPATCH)

No. ____________ Fecha: 5/5/2001
(Date)

Capitanía de Puerto de SARAPIQUI

Hecho el debido examen de la documentación de la Embarcación que a continuación se expresa y visto que se ha cumplido con los requisitos: que la legislación vigente, se expide este permiso a fin de que pueda zarpar de este puerto con destino a Barra Colorado

After having duly examined documents of below mentioned vessel and having witnessed copliance of requirements demanded by law this permit is extened in order.

The vessel may sail from this port ot its mentioned destination

Nombre del Buque / Name of Vessel: Furia

Nacionalidad (Nationality): Tica

Tipo de Buque (Tipe of Vessel): panga fibra

Tipo de Carga (Tipe of cargo): Pasajeros

Tonelaje Bruto (Gross tónnage): —

Tonelaje Neto (Neto tons): —

Nombre del Capitán (Name of Capitain): Jorge IAO

Despachado por (Dispatched or sailed for): Sgto Tigo

Fecha de Salida (Departure date): 5/5/2001

Cantidad de Tripulantes (Number of crew): 1

No. de Pasajeros (Number of passengers): 2

Capitanía de Puerto
(Harbour Master)

TRANSLATION

Republic of Nicaragua

South Military Detachment

Official Cashier Receipt No. 0305

Date: *5/5/2001* For:C$ *25.0*

I receive from Mr. (a): *Jorge Lao*

The amount of: *Payment of International Departure Clearance 25.0*

In concept of:

Cheque No.: Bank:

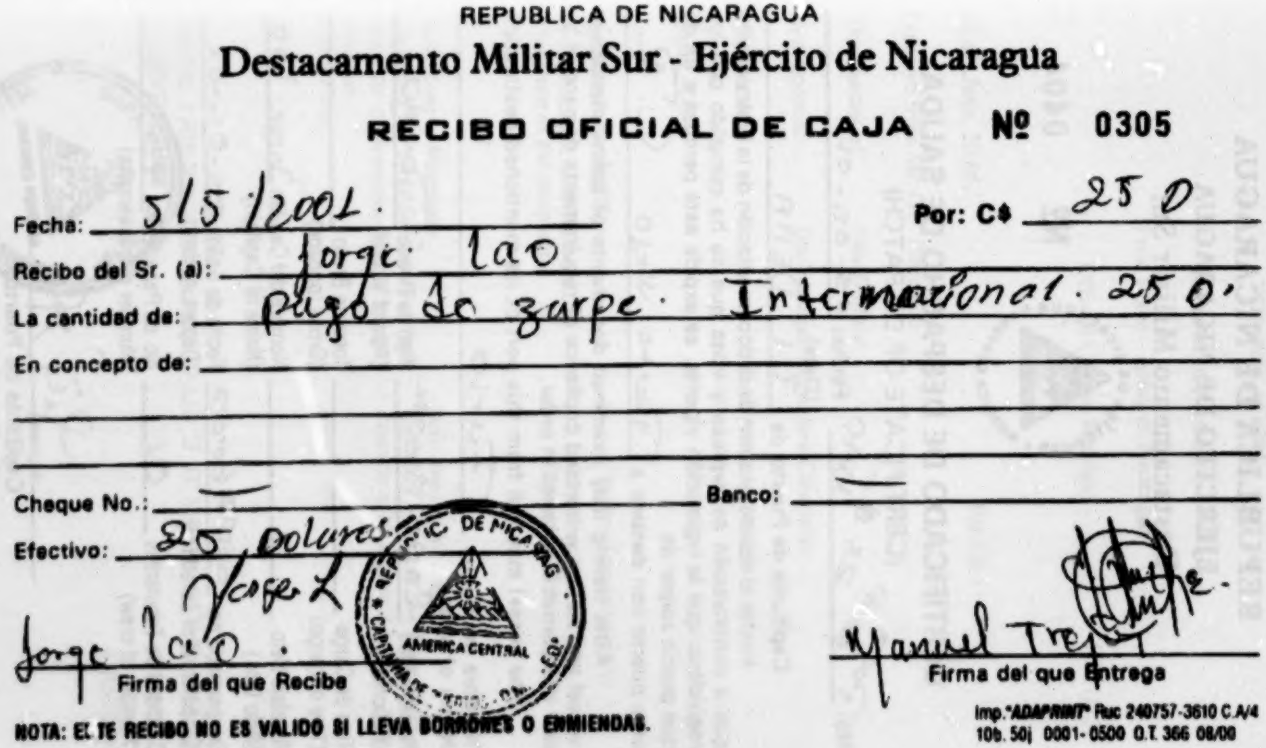
Cash: *25 Dollars*

Jorge Lao (signature) *Manuel Trejos* (signature)

Signature of the recipient Signature of the deliverer

Seal: *Republic of Nicaragua.*
Central America
Captaincy of Ports- DM. – E.D.

NOTE: THIS RECEIPT IS NOT VALID IF IT SHOWS SCRATCHES OR AMENDMENTS



REPUBLICA DE NICARAGUA

Destacamento Militar Sur - Ejército de Nicaragua

RECIBO OFICIAL DE CAJA **Nº 0305**

Fecha: 5/5/2001. Por: C$ 25 D

Recibo del Sr. (a): Jorge Lao

La cantidad de: Pago de zarpe Internacional. 25 D.

En concepto de:

Cheque No.: — Banco: —

Efectivo: 25 Dolares.

Jorge L

Jorge Lao.

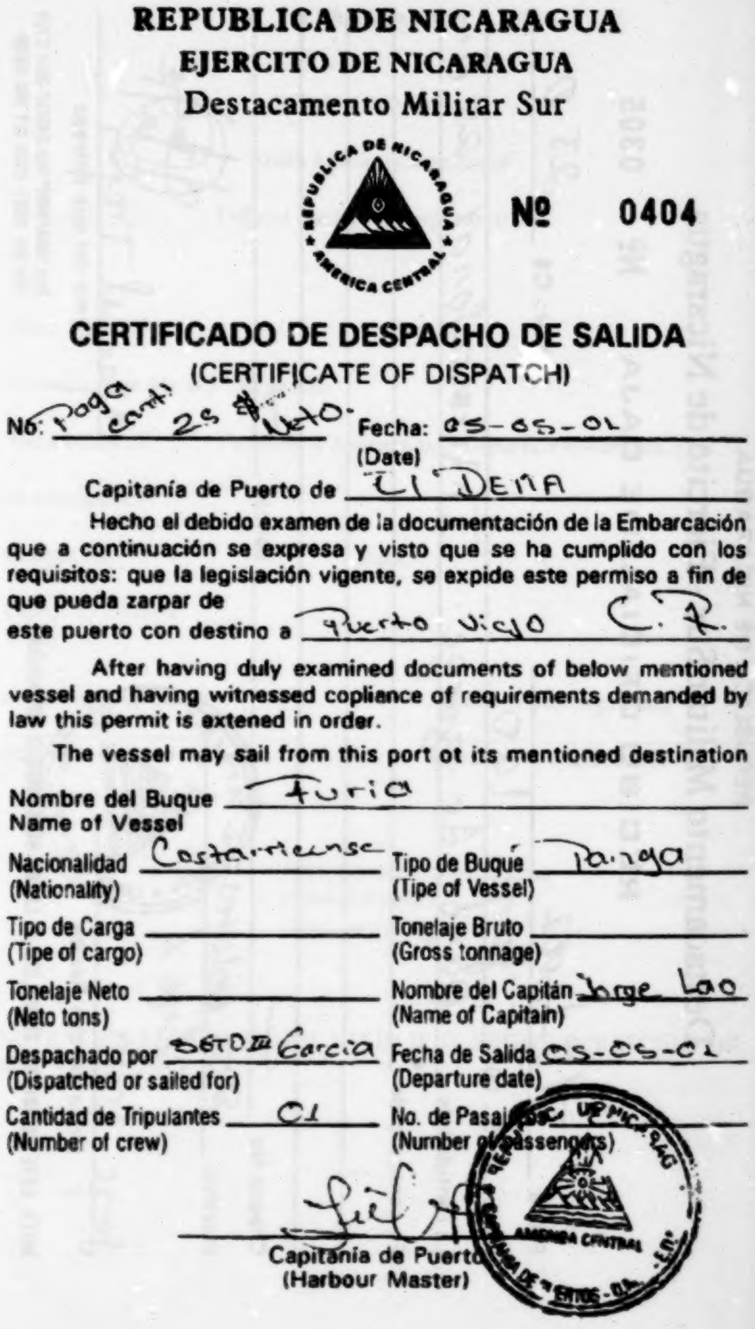
Firma del que Recibe

Manuel Tre

Firma del que Entrega

NOTA: ESTE RECIBO NO ES VALIDO SI LLEVA BORRONES O ENMIENDAS.

Imp."ADAPRINT" Ruc 240757-3610 C.A/4
10b. 50j 0001-0500 O.T. 366 08/00



REPUBLICA DE NICARAGUA
EJERCITO DE NICARAGUA
Destacamento Militar Sur

Nº 0404

CERTIFICADO DE DESPACHO DE SALIDA
(CERTIFICATE OF DISPATCH)

No: Paga cant. 25 $ Neto. Fecha: 05-05-01
(Date)

Capitanía de Puerto de El Delta

Hecho el debido examen de la documentación de la Embarcación que a continuación se expresa y visto que se ha cumplido con los requisitos: que la legislación vigente, se expide este permiso a fin de que pueda zarpar de este puerto con destino a Puerto Viejo C.R.

After having duly examined documents of below mentioned vessel and having witnessed copliance of requirements demanded by law this permit is extened in order.

The vessel may sail from this port ot its mentioned destination

Nombre del Buque Furia
Name of Vessel

Nacionalidad Costarricense (Nationality)	Tipo de Buque Panga (Tipe of Vessel)
Tipo de Carga (Tipe of cargo)	Tonelaje Bruto (Gross tonnage)
Tonelaje Neto (Neto tons)	Nombre del Capitán Jorge Lao (Name of Capitain)
Despachado por SGTO III Garcia (Dispatched or sailed for)	Fecha de Salida 05-05-01 (Departure date)
Cantidad de Tripulantes 01 (Number of crew)	No. de Pasajeros (Number of passengers)

Capitanía de Puerto
(Harbour Master)

TRANSLATION

Republic of Nicaragua

Naval Force – Army of Nicaragua

Official Cashier Receipt **No. 11156**

23 of *June* 20 *06* For:C$ *5*

I receive from Mr. (a): *Rony Lao*

The amount of: *Five Dollars*

In concept of: *International Departure Clearance*

Cheque No.: Bank:

Cash: *US 5*

(signature not legible)
Signature of the recipient

Ronny Lao (signature)
Signature of the deliverer

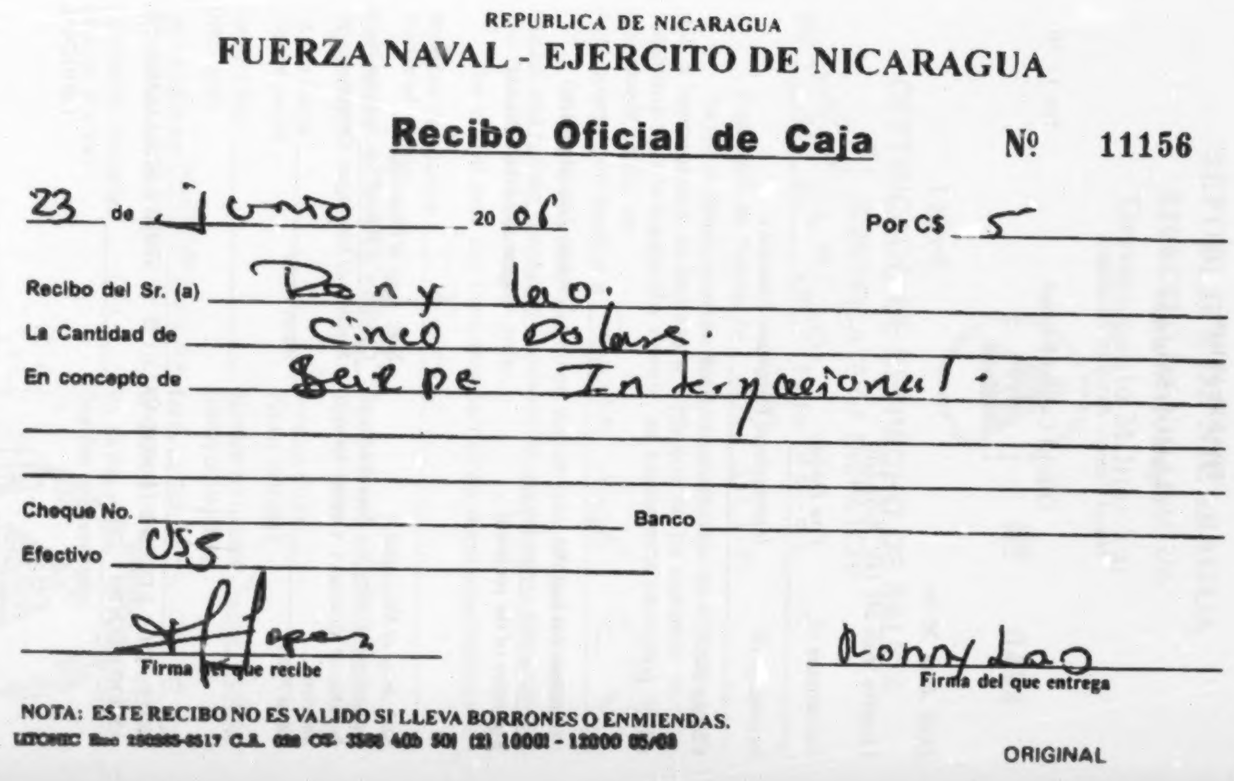
Seal: *Army of Nicaragua*
Captaincy of Port of San Juan del Norte
Republic of Nicaragua, Central America
America
Naval Force

Seal: *Army of Nicaragua*
Captaincy of Port of San Juan del Norte
Republic of Nicaragua, Central

Naval Force

NOTE: THIS RECEIPT IS NOT VALID IF IT SHOWS SCRATCHES OR AMENDMENTS

ORIGINAL



REPUBLICA DE NICARAGUA
FUERZA NAVAL - EJERCITO DE NICARAGUA

Recibo Oficial de Caja Nº 11156

23 de Junio 20 08 Por C$ 5

Recibo del Sr. (a) Rony lao.

La Cantidad de Cinco dolare.

En concepto de Zarpe Internacional.

Cheque No. ______ Banco ______

Efectivo U$5

Firma del que recibe

Ronny Lao
Firma del que entrega

NOTA: ESTE RECIBO NO ES VALIDO SI LLEVA BORRONES O ENMIENDAS.

ORIGINAL

TRANSLATION

Republic of Nicaragua

Naval Force – Army of Nicaragua

Official Cashier Receipt No. 7473

23 of *June* 20 *06* For:C$ *10.00 $*

I receive from Mr. (a): *Ronny Lao*

The amount of: *Ten Dollars*

In concept of: *Payment of International Departure Clearance*

Cheque No.: Bank:

Cash:

(signature not legible)
Signature of the recipient

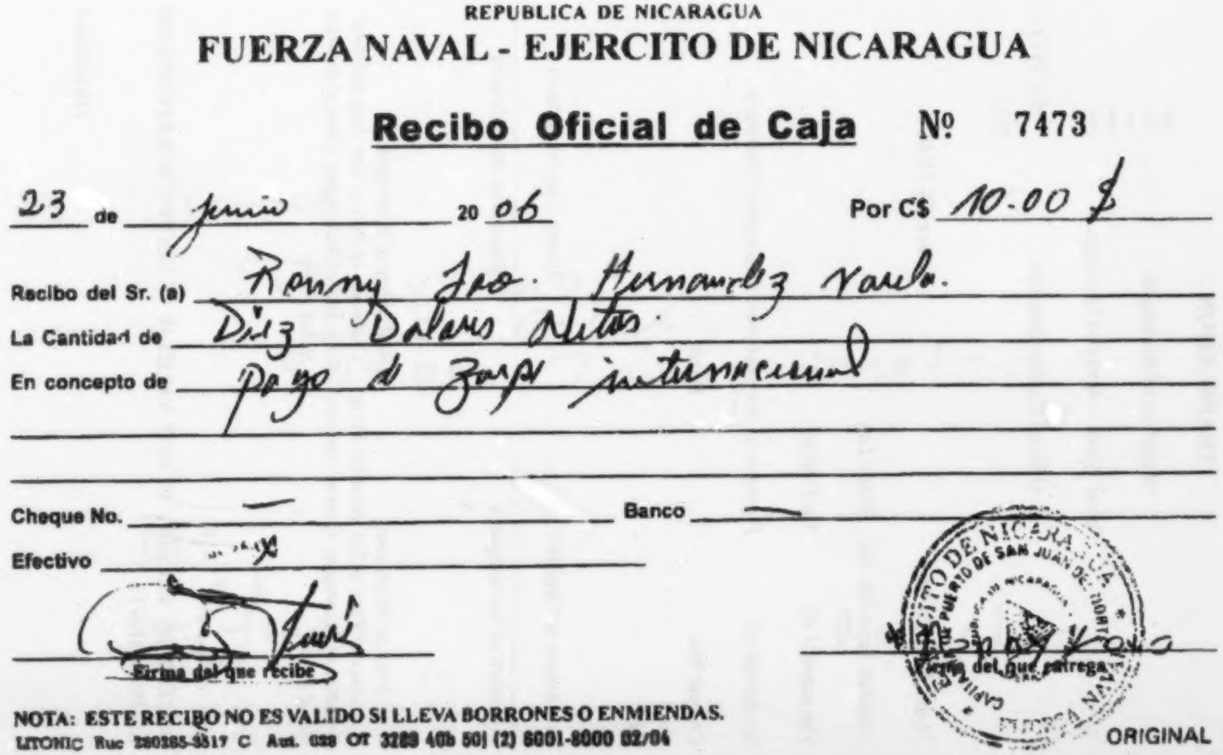
Ronny Lao (signature)
Signature of the deliverer

Seal: *Army of Nicaragua*
Captaincy of Port of San Juan del Norte
Republic of Nicaragua, Central America
Naval Force

Seal: *Army of Nicaragua*
Captaincy of Port of San Juan delNorte
Republic of Nicaragua, Central America
Naval Force

NOTE: THIS RECEIPT IS NOT VALID IF IT SHOWS SCRATCHES OR AMENDMENTS

ORIGINAL



REPUBLICA DE NICARAGUA

FUERZA NAVAL - EJERCITO DE NICARAGUA

Recibo Oficial de Caja Nº 7473

23 de junio 20 06 Por C$ 10.00 $

Recibo del Sr. (a) Ronny Fco. Hernandez Varela.

La Cantidad de Diez Dolares Netos.

En concepto de Pago de Zarpe internacional

Cheque No. — Banco —

Efectivo x

Firma del que recibe

Firma del que entrega

NOTA: ESTE RECIBO NO ES VALIDO SI LLEVA BORRONES O ENMIENDAS.

LITONIC Ruc 280285-3517 C Aut. 028 OT 3289 40b 50) (2) 6001-8000 02/04

ORIGINAL

Annex 242

TOURIST CARD CHARGES:

(A) RECEIPT FOR THE TOURIST CARD CHARGED TO 2 PERSONS (US$10), 5 MAY 2001
(B) TOURIST CARD OF US$5, 6 AUGUST 2005

TRANSLATION

Ministry of Governance
Division of Finances
Accounting System

Official Cashier Receipt

EXCLUSIVE FOR FOREIGN CURRENCY

No. 284363 (1)

Place and Date: *Sarapiqui 05-05-2001*

$ *10.-*

I received from: *Sergio G. Ugalde G*

By account of: *Himself*

The Amount of: *Ten Dollars net*

In Concept of: *2 Tourist cards*

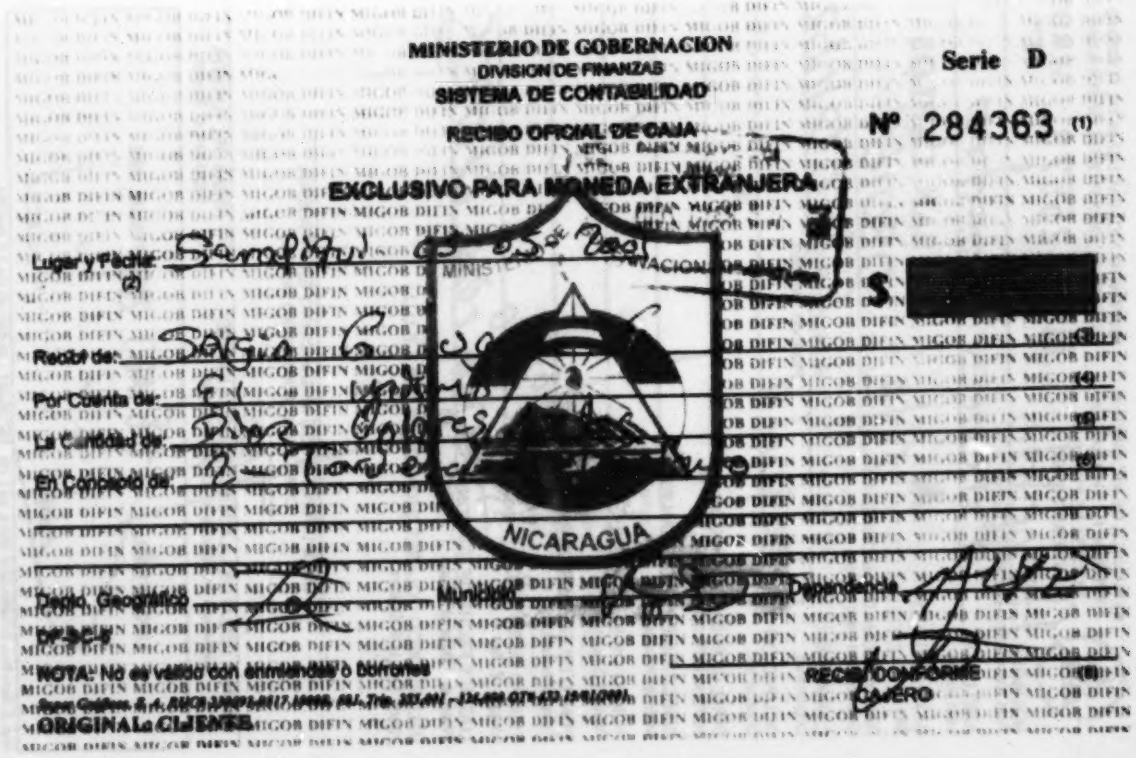
Geographical Dept. *Illegible* County *Illegible* Dependency *Illegible*

DF-SC-6

Note: Not valid with amendments or scratches

Illegible
Received in conformity
Cashier

Original: Client



MINISTERIO DE GOBERNACION
DIVISION DE FINANZAS
SISTEMA DE CONTABILIDAD
RECIBO OFICIAL DE CAJA
EXCLUSIVO PARA MONEDA EXTRANJERA

Serie D

Nº 284363 (1)

Lugar y Fecha: Sarapiquí 03-05-2005 (2)

$ [redacted]

Recibí de: Sergio G[illegible] (3)

Por Cuenta de: [illegible] (4)

La Cantidad de: [illegible] dolares (5)

En Concepto de: [illegible] (6)

Depto. Geográfico ______ Municipio ______ Dependencia ______

DF-SC-5

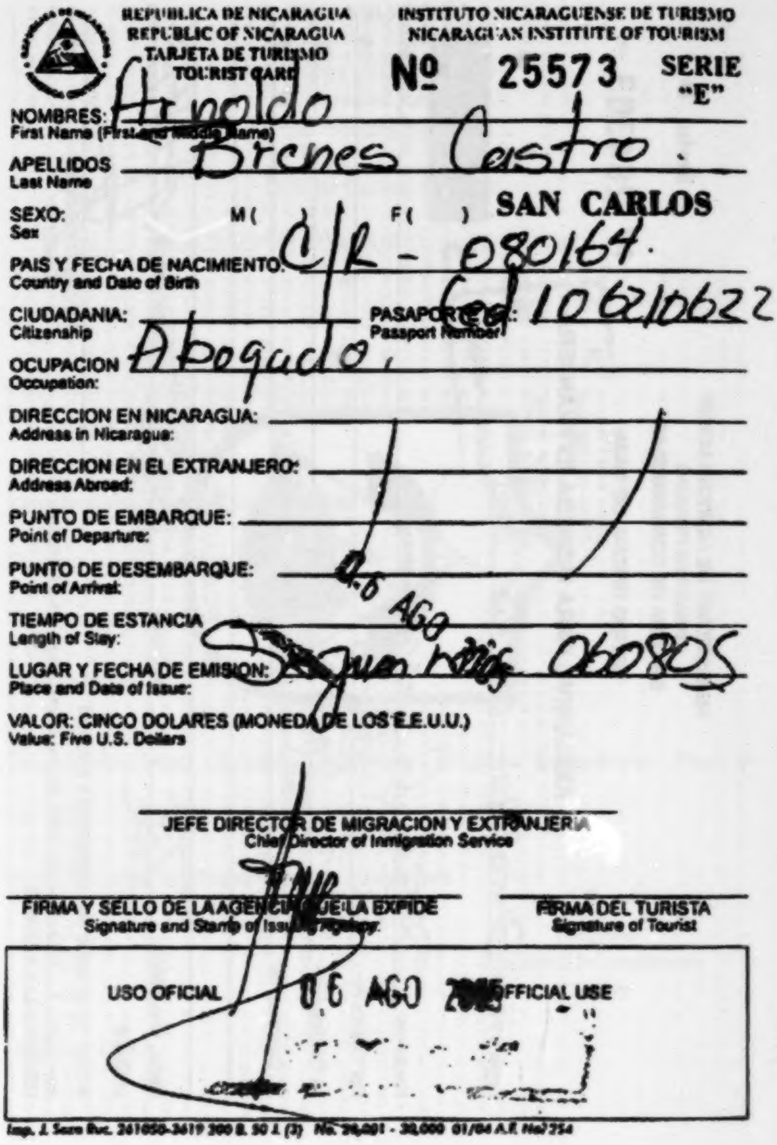
NOTA: No es valido con enmiendas o borrones

RECIBI CONFORME (8)
CAJERO

[illegible]

ORIGINAL: CLIENTE

NICARAGUA



REPUBLICA DE NICARAGUA
REPUBLIC OF NICARAGUA
TARJETA DE TURISMO
TOURIST CARD

INSTITUTO NICARAGUENSE DE TURISMO
NICARAGUAN INSTITUTE OF TOURISM

Nº 25573 SERIE "E"

SAN CARLOS

NOMBRES: Arnoldo
First Name (First and Middle Name)

APELLIDOS Brenes Castro.
Last Name

SEXO: M ( ) F ( )
Sex

PAIS Y FECHA DE NACIMIENTO: C/R - 080164.
Country and Date of Birth

CIUDADANIA:
Citizenship

PASAPORTE Nº: Ced 106210622
Passport Number

OCUPACION Abogado.
Occupation:

DIRECCION EN NICARAGUA:
Address in Nicaragua:

DIRECCION EN EL EXTRANJERO:
Address Abroad:

PUNTO DE EMBARQUE:
Point of Departure:

PUNTO DE DESEMBARQUE: 06 AGO
Point of Arrival:

TIEMPO DE ESTANCIA
Length of Stay:

LUGAR Y FECHA DE EMISION: S. Juan Norte 060805
Place and Date of Issue:

VALOR: CINCO DOLARES (MONEDA DE LOS E.E.U.U.)
Value: Five U.S. Dollars

JEFE DIRECTOR DE MIGRACION Y EXTRANJERIA
Chief Director of Inmigration Service

FIRMA Y SELLO DE LA AGENCIA QUE LA EXPIDE
Signature and Stamp of Issuing Agency

FIRMA DEL TURISTA
Signature of Tourist

USO OFICIAL 06 AGO 2005 OFFICIAL USE

Imp. J. Soza Ruc. 261050-3619 300 B. 50 J. (3) No. 26,001 - 30,000 01/04 A.F. No 7254

Annex 243

RECEIPTS OF PAYMENT OF A TAX FOR "TRANSIT PERMIT THROUGH THE BORDER POINTS":

(A) RECEIPT OF PAYMENT
OF THE "TRANSIT PERMIT THROUGH THE BORDER POINTS"
CHARGED TO A COSTA RICAN BOATMAN, 28 DECEMBER 2005
(B) RECEIPT OF PAYMENT OF THE
"TRANSIT PERMIT THROUGH THE BORDER POINTS"
CHARGED TO A COSTA RICAN PASSENGER, 23 JUNE 2006

TRANSLATION

Ministry of Governance
Division of Finances
Accounting System

Official Cashier Receipt

No. 0476038

(1)

Cordobas

Dollars

Collector Unit *Migr y Ext.*

Place and Date: *Sarapiqui 28-12-2005*

$ *5.-*

I received from: *Carlos Lao Jarquin*

By account of: *Himself*

The Amount of: *Five Dollars net*

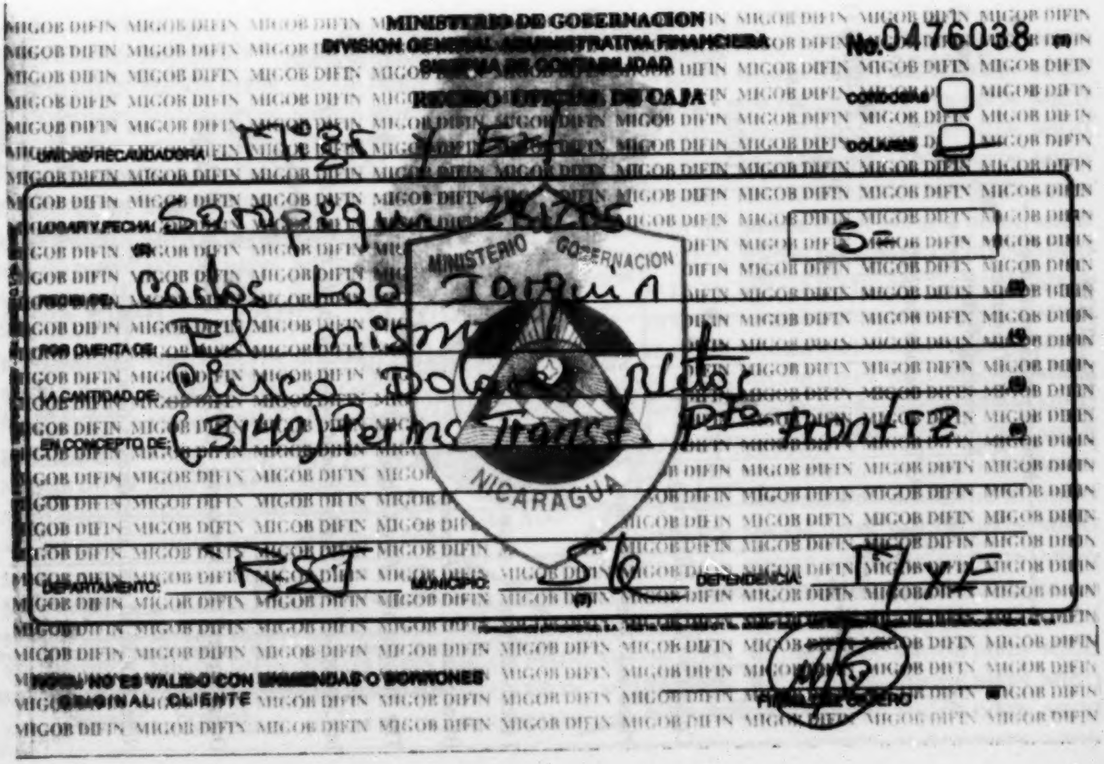
In Concept of: *(3140) Transit Permit Border Post*

Department *R.S.J.* County *S. C.* Dependency *M y E*

Note: Not valid with amendments or scratches

Illegible
Received in conformity
Cashier

Original: Client



MINISTERIO DE GOBERNACION
DIVISION GENERAL ADMINISTRATIVA FINANCIERA
SISTEMA DE CONTABILIDAD
RECIBO OFICIAL DE CAJA

No. 0476038

CORDOBAS ☐
DOLARES ☒

UNIDAD RECAUDADORA: Migr y Ext

LUGAR Y FECHA: Sarapiquí 28-12-05

5=

RECIBI DE: Carlos Lao Jarquín

POR CUENTA DE: El mismo

LA CANTIDAD DE: Cinco Dolares netos

EN CONCEPTO DE: (3140) Perm Transit pto Frontera

DEPARTAMENTO: RSJ MUNICIPIO: SC DEPENDENCIA: P/XF

NOTA: NO ES VALIDO CON ENMIENDAS O BORRONES
ORIGINAL: CLIENTE

FIRMA DEL CAJERO

TRANSLATION

Ministry of Governance
Division of Finances
Accounting System

Official Cashier Receipt

No. 604665 (1)

Cordobas

Dollars

Collector Unit *Migracion y Ext.*

Place and Date: *Sarapiqui 23-06-2006*

$ *5.-*

I received from: *Allan Solis Fonseca*

By account of: *Himself*

The Amount of: *Five Dollars net*

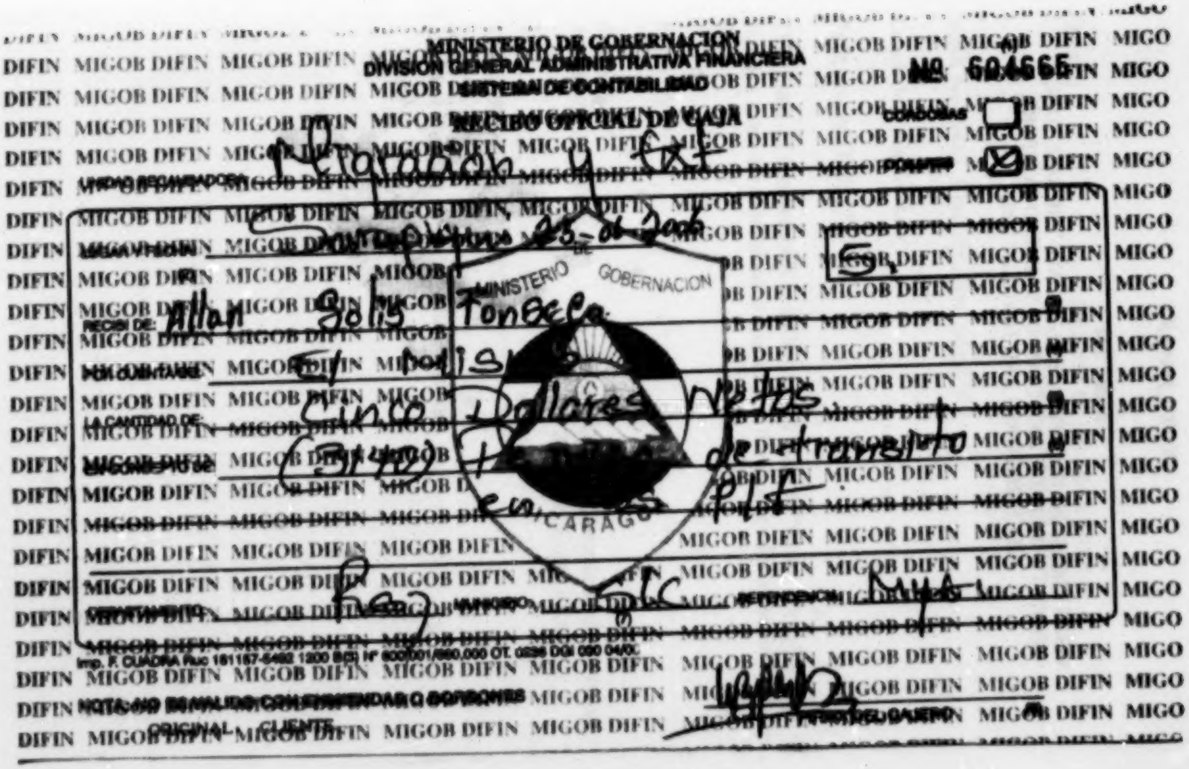
In Concept of: *(3140) Transit Permit in the B. P. [Border Post]*

Department *R.S.J.* County *S. C.* Dependency *M y E*

Note: Not valid with amendments or scratches

Illegible
Received in conformity
Cashier

Original: Client



MINISTERIO DE GOBERNACION
DIVISION GENERAL ADMINISTRATIVA FINANCIERA
SISTEMA DE CONTABILIDAD
RECIBO OFICIAL DE CAJA

No. 604665

CORDOBAS ☐
DOLARES ☒

UNIDAD RECAUDADORA: Migración y Ext

MESA Y FECHA: [illegible] 25-06-2006

5.

RECIBI DE: Allan Solis Fonseca.

POR CUENTA DE: El mismo

LA CANTIDAD DE: Cinco Dollares Netos

EN CONCEPTO DE: (3149) [illegible] de transito en [illegible] PTF

DEPARTAMENTO: RSJ MUNICIPIO: SC REFERENCIA: [illegible]

Imp. F. CUADRA Ruc 181157-5482 1200 B(3) N° 600001/650,000 OT. 0236 DGI 000 04/0C

NOTA: NO ES VALIDO CON ENMIENDAS O BORRONES

FIRMA DEL CAJERO

ORIGINAL - CLIENTE

MIGOB DIFIN

Annex 244

VISAS REQUIRED IN ORDER TO NAVIGATE THE SAN JUAN, RECEIPTS THEREOF, AND COPY OF STAMPED PASSPORT, DECEMBER 2005 AND JANUARY 2006

TRANSLATION

(SEAL) REPUBLIC OF NICARAGUA
CONSULATE IN SAN JOSE

VISA No. *0447* Classification *(illegible)*

Granted to: *Carlos Lao*

Passport: *401320572*

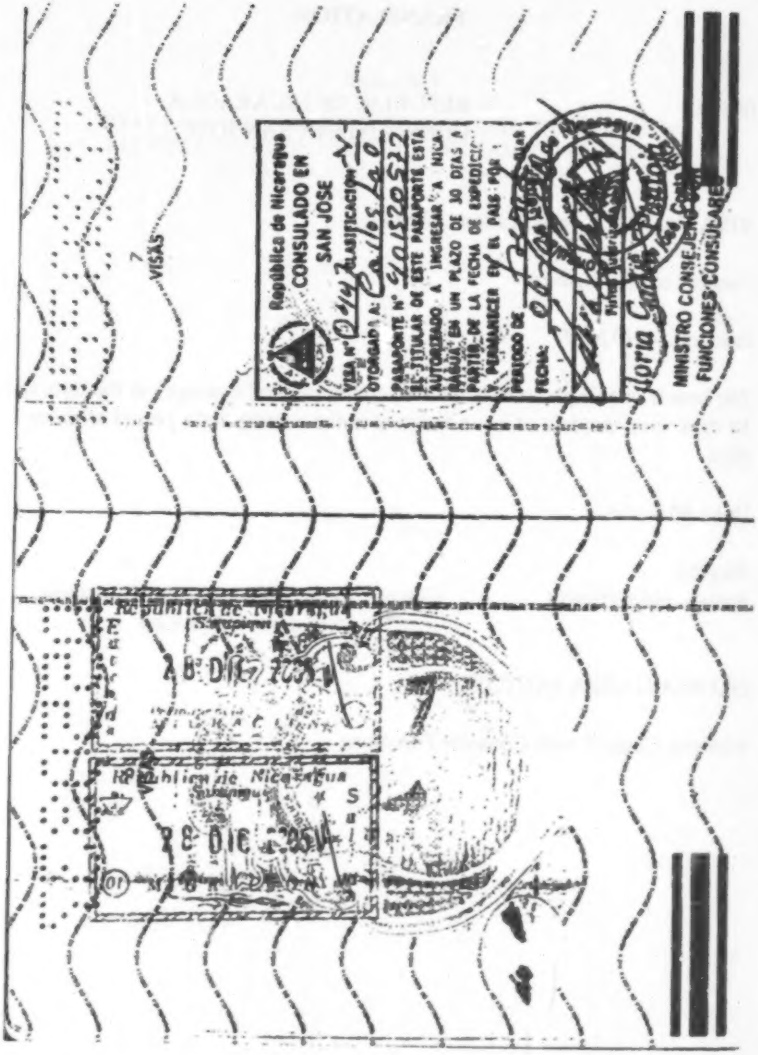
The bearer of this passport is authorized to enter to Nicaragua in the term of 30 days from the date of issue and stay in the country for a period of *thirty* days

Date: *06/01/06*

Illegible
Authorized signature (Stamp) General Consulate of Nicaragua
San Jose, Costa Rica

GLORIA GADEA PANTOJA

Minister Council with Consular Functions



7
VISAS

República de Nicaragua
CONSULADO EN
SAN JOSE
VISA Nº 0447 CLASIFICACION -V-
OTORGADO A: Carlos La O
PASAPORTE Nº C01520532
EL TITULAR DE ESTE PASAPORTE ESTA AUTORIZADO A INGRESAR A NICARAGUA EN UN PLAZO DE 30 DIAS A PARTIR DE LA FECHA DE EXPEDICION Y PERMANECER EN EL PAIS POR :
PERIODO DE ____ DIAS
FECHA: 06-
Firma Autorizada
Gloria Gadea Pastora
MINISTRO CONSEJERO CON
FUNCIONES CONSULARES

República de Nicaragua
E
28 DIC 2005

República de Nicaragua
S
28 DIC 2005

TRANSLATION

(SEAL) REPUBLIC OF NICARAGUA
CONSULATE IN SAN JOSE

VISA No. *1218* Classification *V*

Granted to: *Carlos Jarquin*

Passport: *401320572*

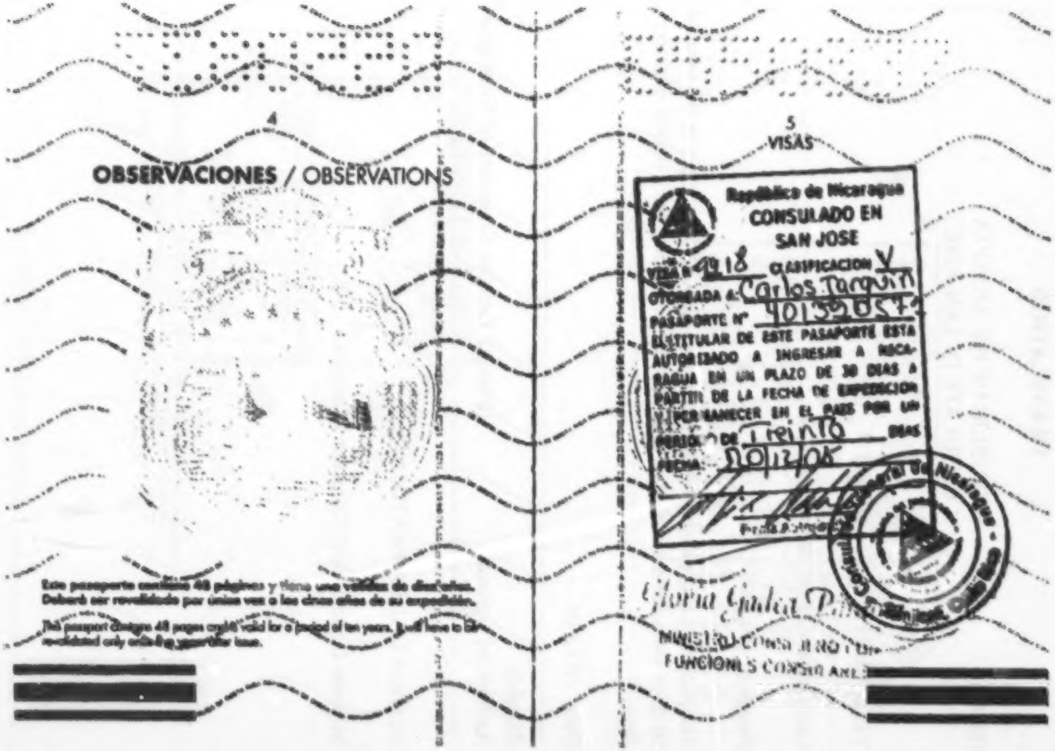
The bearer of this passport is authorized to enter to Nicaragua in the term of 30 days from the date of issue and stay in the country for a period of *thirty* days

Date: *20/12/05*

Illegible
Authorized signature (Stamp) General Consulate of Nicaragua
San Jose, Costa Rica

GLORIA GADEA PANTOJA

Minister Council with Consular Functions



4

OBSERVACIONES / OBSERVATIONS

Este pasaporte contiene 48 páginas y tiene una validez de diez años.
Deberá ser revalidado por única vez a los cinco años de su expedición.

This passport contains 48 pages and is valid for a period of ten years. It will have to be revalidated only once 5 years after issue.

5

VISAS

República de Nicaragua
CONSULADO EN
SAN JOSE

VISA N° 4918 CLASIFICACION V
OTORGADA A: Carlos Tarquin
PASAPORTE N° 401392057
EL TITULAR DE ESTE PASAPORTE ESTA AUTORIZADO A INGRESAR A NICARAGUA EN UN PLAZO DE 30 DIAS A PARTIR DE LA FECHA DE EXPEDICION Y PERMANECER EN EL PAIS POR UN PERIODO DE Treinta DIAS
FECHA: 20/12/05

Gloria Gaitán P.
MINISTRO CONSEJERO CON
FUNCIONES CONSULARES

TRANSLATION

REPUBLIC OF NICARAGUA
MINISTRY OF FOREIGN AFFAIRS
CONSULATE MEXICO

Address:

Receipt

Serie ADGF
No. 005416

For: $25

Date: *20-12-05*

We received from: *Carlos Lao*

The amount of: *Twenty five dollars*

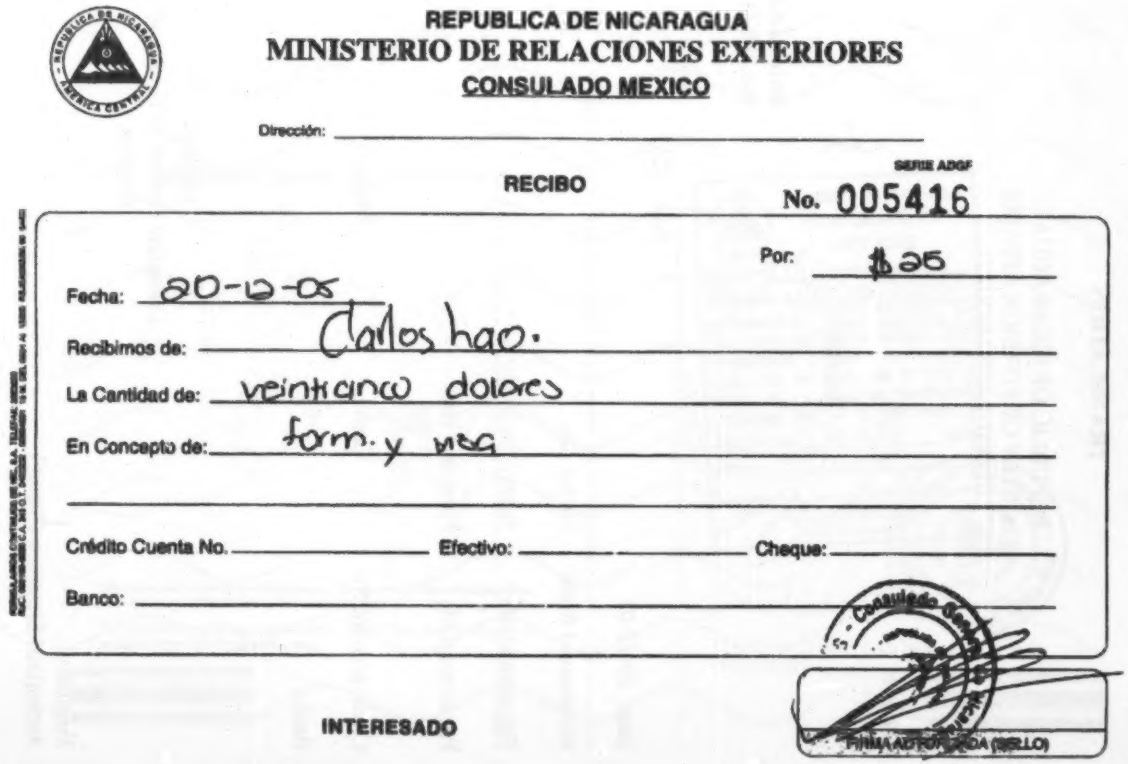
For concept of: *Form and visa*

Credit account No. Cash: Cheque:

Bank:

(Stamp)
Consulate General of Nicaragua
Illegible

Illegible
Authorized Signature (Stamp)



REPUBLICA DE NICARAGUA
MINISTERIO DE RELACIONES EXTERIORES
CONSULADO MEXICO

Dirección: ____________________

RECIBO

SERIE ADGF
No. 005416

Por: $25

Fecha: 20-12-05

Recibimos de: Carlos hao.

La Cantidad de: veinticinco dolares

En Concepto de: form. y visa

Crédito Cuenta No. ________ Efectivo: ________ Cheque: ________

Banco: ________

FIRMA AUTORIZADA (SELLO)

INTERESADO

Annex 245

RECEIPTS OF PAYMENT OF THE "MIGRATORY SERVICE (ENTRY AND EXIT)":

(A) RECEIPT OF PAYMENT FROM A COSTA RICAN BOATMAN,
28 DECEMBER 2005
(B) RECEIPT OF PAYMENT FROM A COSTA RICAN PASSENGER,
23 JUNE 2006

TRANSLATION

Ministry of Governance
Division of Finances
Accounting System

Official Cashier Receipt

No. 0458937 (1)

Cordobas

Dollars

Collector Unit *Migr y Ext.*

Place and Date: *Sarapiqui 28-12-05*

$ *4.-*

I received from: *Carlos Lao Jarquin*

By account of: *Himself*

The Amount of: *Four Dollars net*

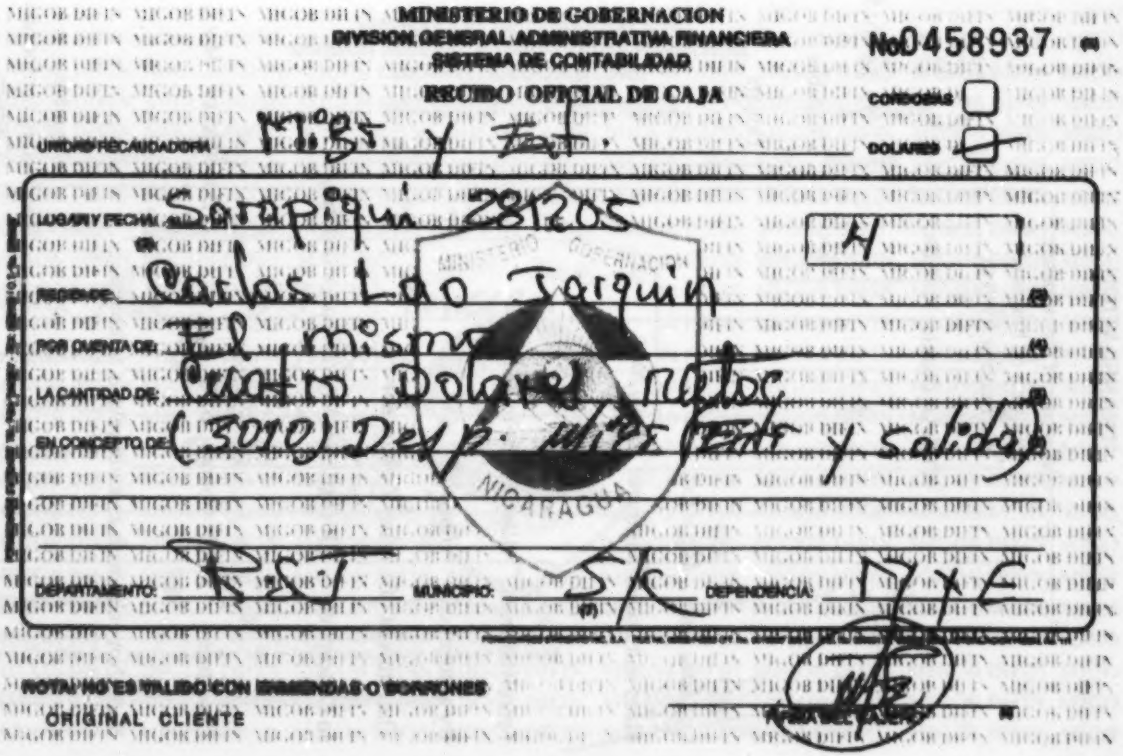
In Concept of: *(3010) Desp. Migr (Entrance and exit)*

Department *R.S.J.* County *S. C.* Dependency *M y E*

Note: Not valid with amendments or scratches

Illegible
Received in conformity
Cashier

Original: Client



MINISTERIO DE GOBERNACION
DIVISION GENERAL ADMINISTRATIVA FINANCIERA
SISTEMA DE CONTABILIDAD
RECIBO OFICIAL DE CAJA

No 0458937

CORDOBAS ☐
DOLARES ☒

UNIDAD RECAUDADORA: Migº y Ext.

LUGAR Y FECHA: Sarapiquí 28.12.05

4

RECIBIMOS DE: Carlos Lao Jarquín

POR CUENTA DE: El mismo

LA CANTIDAD DE: Cuatro Dolares netos

EN CONCEPTO DE: (3010) Desp. MIGE (Ent y salida)

DEPARTAMENTO: RSJ MUNICIPIO: SK DEPENDENCIA: DJXE

NOTA: NO ES VALIDO CON ENMIENDAS O BORRONES

ORIGINAL CLIENTE

FIRMA DEL CAJERO

TRANSLATION

Ministry of Governance
Division of Finances
Accounting System

Official Cashier Receipt

No. 604615

Cordobas

Dollars

Collector Unit *Mig y Ext.*

Place and Date: *Sarapiqui 23-06-2006*

$ *4.-*

I received from: *Allan Solis Fonseca*

By account of: *Himself*

The Amount of: *Four Dollars net*

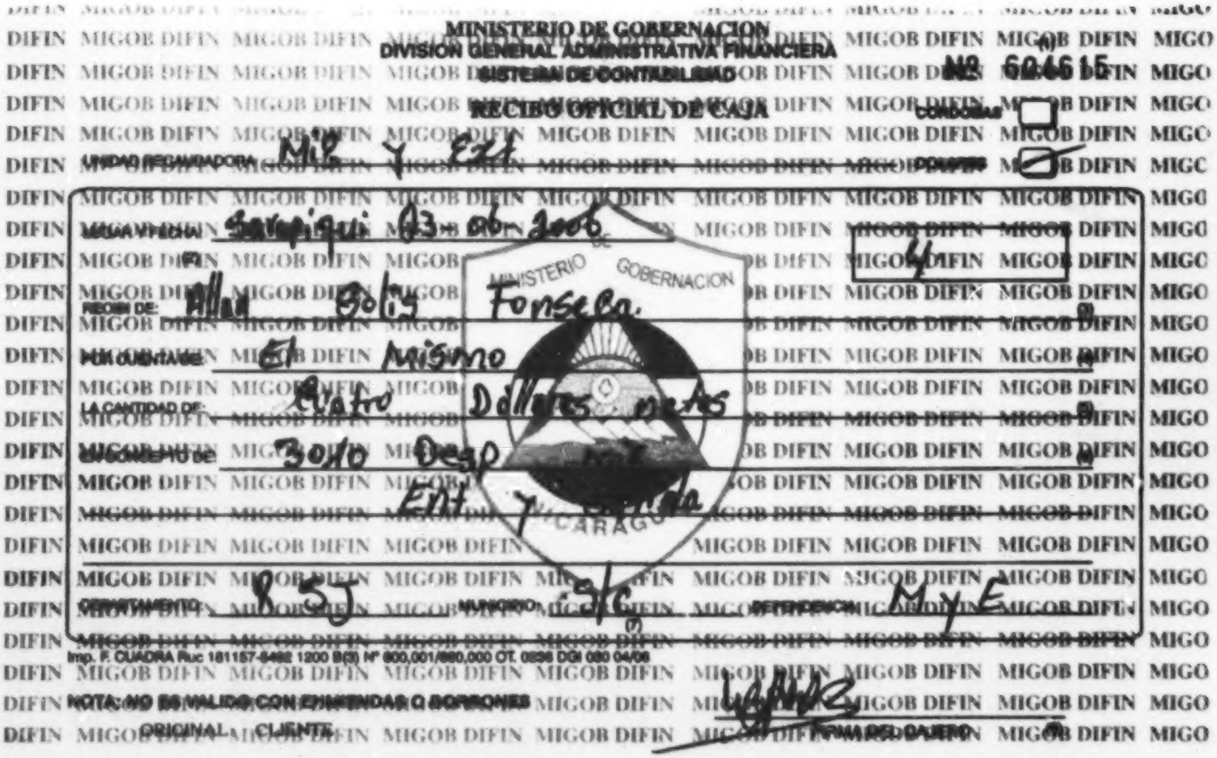
In Concept of: *(3010) Desp. Mig (Entrance and exit)*

Department *R.S.J.* County *S. C.* Dependency *M y E*

Note: Not valid with amendments or scratches

Illegible
Received in conformity
Cashier

Original: Client



MINISTERIO DE GOBERNACION
DIVISION GENERAL ADMINISTRATIVA FINANCIERA
SISTEMA DE CONTABILIDAD

RECIBO OFICIAL DE CAJA

Nº 604615

CORDOBAS ☐
DOLARES ☑

UNIDAD RECAUDADORA: Mig y Ext

LUGAR Y FECHA: Sarapiquí 03-06-2006

4

RECIBI DE: Allan Solís Fonseca.

POR CUENTA DE: El mismo

LA CANTIDAD DE: Cuatro Dóllares netos

EN CONCEPTO DE: 3010 Desp Mig Ent y Salida

DEPARTAMENTO: R S J
MUNICIPIO: S/C
DEPENDENCIA: M y E

Imp. F. CUADRA Ruc 181157-8482 1200 B(3) Nº 600,001/660,000 OT. 0836 DGI 080 04/06

NOTA: NO ES VALIDO CON ENMIENDAS O BORRONES

ORIGINAL - CLIENTE

FIRMA DEL CAJERO

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